

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Speech-Language Pathology and
Audiology Advisory Board

Notice of Meeting

The Speech-Language Pathology and Audiology Advisory Board will meet at 10 a.m. Thursday, July 8, in Room G of the Kansas-National Education Association (K-NEA) Building, 715 W. 10th, Topeka.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 023961

State of Kansas

Department of Human Resources

Notice of RFP Deadline Extension

The Kansas Department of Human Resources has extended the submission deadline for the Kansas One-Stop Career Center Grant request for proposal that was made available May 24. The deadline, originally set for June 21, has been extended to Monday, August 2. Please direct any questions to Deann Tiede, (785) 296-3974, or via e-mail at djtiede@hr.state.ks.us.

Richard E. Beyer
Secretary of Human Resources

Doc. No. 023973

State of Kansas

Department on Aging

Notice of Sliding Fee Scale for the
Income Eligible Program

The Kansas Secretary of Aging is publishing the annual sliding fee schedule for the Income Eligible Program. The scale that will be used for state fiscal year 2000 beginning July 1, 1999, is as follows:

Income Eligible Program FY 2000 Sliding Fee Scale
Effective July 1, 1999
(Based on Monthly Income)

Donation	1-Person Household		2-Person Household	
	Up to	729	Up to	978
5%	730 to 829	979 to 1113		
10%	830 to 929	1114 to 1247		
15%	930 to 1029	1248 to 1382		
Donation	3-Person Household		4-Person Household	
	Up to	1228	Up to	1477
5%	1229 to 1396	1478 to 1680		
10%	1397 to 1565	1681 to 1882		
15%	1566 to 1734	1883 to 2087		

Questions about the fee scale or other facets of the Income Eligible Program may be directed to Cindy Lane, In-Home Services Manager, at (785) 296-6448.

Thelma Hunter Gordon
Secretary of Aging

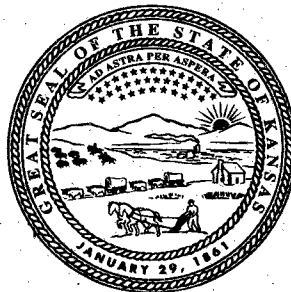
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Ron Thornburgh
Secretary of State
2nd Floor, State Capitol
300 S.W. 10th Ave.
Topeka, KS 66612-1594
(785) 296-4564



Register Office:
Room 233-N, State Capitol
(785) 296-3489
Fax (785) 291-3051

State of Kansas

Department of Wildlife and Parks

Public Notice

The Kansas Department of Wildlife and Parks has reached agreement for the purchase of a tract of land in Pratt County. The tract consists of approximately 160 acres and has a legal description of N/2NW/4 and W/2NE/4 of S29-T29-R11. This tract was appraised at \$72,800 and will be purchased for \$58,500, with the landowner retaining CRP payments for the term of the current CRP contract. This tract will be part of the Isabel Wildlife Area and will remain on the county tax rolls.

Steven A. Williams
Secretary of Wildlife and Parks

Doc. No. 023951

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Wednesday, July 7, 1999

33747

University of Kansas—Loft rental

Thursday, July 8, 1999

A-8814

Lansing Correctional Facility— Exterior wall repair, AVTS Building

Friday, July 9, 1999

33749

Department of Administration, Division of Personnel Services— Data analysis and benefits modeling for group health insurance program

Tuesday, July 13, 1999

A-8613

Wichita State University— Tuckpoint, Geology Building

9157

Department of Health and Environment— Framer channel and road reclamation

Wednesday, July 14, 1999

A-8764

Hutchinson Correctional Facility— Gutter replacement, A and C Cellhouses

Thursday, July 15, 1999

A-8663

Department of Human Resources— HVAC renovations, Division of Employment Building

A-8738

Parsons State Hospital and Training Center— Electrical service replacement, Walnut Building

A-8802

Kansas Neurological Institute—High voltage cable replacement

Friday, July 16, 1999

A-8587

Parsons State Hospital and Training Center— Exterior door replacement and ADA projects

Request for Proposals

Thursday, July 15, 1999

33738

Fireworks show for the Topeka 2000 Celebration for the Department of Administration

33756

Greyhound and horse testing services for the Kansas Racing and Gaming Commission

John T. Houlihan
Director of Purchases

Doc. No. 023972

State of Kansas

Department of Administration
Division of Architectural Services

Notice of Commencement of Negotiations
for "On-Call" Engineering Services

Notice is hereby given of the commencement of negotiations for "on-call" mechanical, electrical, plumbing, civil and structural engineering services for small projects for the Department of Wildlife and Parks. The consultant must have the capability of also providing, either in-house or through consultants, architectural, survey and geotechnical services. Projects will include wildlife area and park buildings, shower and restroom facilities, boating facilities, water, sewer and electrical improvements.

For information regarding the scope of services, contact Michael Wilson, Chief Engineer, Department of Wildlife and Parks, (785) 296-2281.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. July 9.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 023974

State of Kansas

Kansas Guardianship Program

Notice of Meeting

The Kansas Guardianship Program will conduct its governing board meeting from 3 to 5 p.m. Tuesday, June 29, in Room 220-S, State Capitol, 300 S.W. 10th Ave., Topeka. For more information, call (785) 587-8555.

Jean Krahn
Executive Director

Doc. No. 023953

(Published in the Kansas Register June 24, 1999.)

Miami County, Kansas

Request for Bids

Sealed responses to the following project for the Miami County Public Works Department will be received until 8:45 a.m. July 22 at the Miami County Clerk's office, 201 S. Pearl, Suite 102, Paola, 66071:

Bid No. 99-HW008

Gardner Road Improvements, Phases I & II

At said time, date and place, responses will be submitted, opened and read aloud (bids) or accepted for consideration (request for proposals).

A pre-bid conference will be conducted at 2 p.m. July 8 in the commission meeting room in the County Administration Building, 201 S. Pearl, Paola.

Firms and individuals desiring to respond must obtain required submittal documents by contacting Penny L. Evans, P.E., at (913) 294-9533 (please reference the appropriate project number).

Miami County is an equal opportunity employer and will not do business with any firm or individual that in any way, directly or indirectly, discriminates against any person because of age, race, color, handicap, sex, national origin or religious creed.

Debbie Kramer
Miami County Purchasing

Doc. No. 023979

State of Kansas

Department of Administration

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Tuesday, August 24, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed rules and regulations of the Division of Personnel Services, Department of Administration, on a permanent basis.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Administration, Room 263-E, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. All interested parties will be given a reasonable opportunity to

present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Faith Loretto at (785) 296-6000 or (785) 296-4798 (TTY). Handicapped parking is located at the south end of Landon State Office Building, and the north entrance is accessible.

Summaries of the proposed regulations and their economic impact follow.

K.A.R. 1-1-5. Pilot projects. This proposed new regulation would give the Director of Personnel Services authority to develop plans for pilot projects within the state employee workforce for the purpose of determining whether a specified change in human resource management policies or procedures or a new human resources program would result in improved statewide human resource management. Each pilot project is subject to approval of the Secretary of Administration and the Governor. The proposed regulation may have some economic impact on the Department of Administration, state employees and other state agencies, determined on a project-by-project basis.

K.A.R. 1-2-74. Administrative leave. This proposed new regulation would define the term "administrative leave" to allow an appointing authority to authorize leave with pay for an emergency or other situation that creates dangerous or unsafe work conditions or for other circumstances that necessitate the closing of an office or building. No measurable economic impact on the Department of Administration, state employees or other state agencies is anticipated.

K.A.R. 1-2-84. Supervisor.

K.A.R. 1-2-84a. Lead worker.

K.A.R. 1-2-84b. Manager.

K.A.R. 1-8-6. Supervisory training programs.

K.A.R. 1-2-84 is being revised and two new regulations, K.A.R. 1-2-84a and K.A.R. 1-2-84b, are proposed for adoption in order to differentiate between and accurately define the terms "supervisor," "lead worker" and "manager." These changes are required in order to more clearly differentiate these leadership roles and to provide the appropriate staff development and training for state employees in leadership positions.

K.A.R. 1-8-6 is being revised to require that each lead worker and manager, in addition to supervisors, must successfully complete an appropriate supervisory training program that more accurately meets the needs of employees in each of these categories. Modifications will need to be made to the SHARP system in order to identify employees who are performing these functions. There may be an economic impact on the Department of Administration and other state agencies as lead workers and managers will now be required to complete a basic supervisory training program and a supervisory continuing education program.

K.A.R. 1-4-8. Effect of position reallocation on incumbent. Proposed amendments to this regulation clarify existing policies and practices affecting employees in the classified service whose positions are reallocated to a different class. Because most of these amendments reflect current practices, no measureable economic impact on the Department of Administration, state employees or other state agencies is anticipated.

K.A.R. 1-5-22. Payment for two or more positions. The regulation is being revised to eliminate a subsection that allows for the percent of time worked by a state employee on a combination of classified and unclassified positions to exceed 100 percent with prior approval. The proposed revision would still allow a classified employee to hold one or more additional unclassified positions teaching in a state educational institution without limit on total pay, if the appointing authority in the classified service certifies that the teaching position or positions do not detract from the time for which the employee is being paid as a classified employee. No measurable economic impact on the Department of Administration, state employees or other state agencies is anticipated as no regular, classified employees have been identified who also currently hold a nonteaching unclassified position.

K.A.R. 1-6-25. Temporary positions. Proposed revisions to this regulation clarify that employment of a person in one or more temporary positions cannot exceed 999 total hours of employment in state service for a 12-month period, even if the employee holds temporary positions in more than one agency. Modifications will need to be made to the SHARP system in order to track the number of hours worked by temporary employees. This provision will be effective with temporary appointments made on or after the effective date of this regulation.

K.A.R. 1-9-2. Holidays. Proposed amendments to this regulation would allow full-time employees who work a nonstandard workweek to receive holiday credit equal to the number of hours they would normally have been scheduled to work, rather than the current maximum of eight hours of holiday credit. This applies to all state holidays, including the discretionary holiday. An additional amendment clarifies that exempt employees are permitted to take holiday compensatory time in either half- or full-day increments only. The amended regulation will have some fiscal impact on state agencies that have full-time employees who regularly work more than eight nonovertime hours per day.

K.A.R. 1-2-30. Designated position.

K.A.R. 1-6-32. Candidate drug screening test for designated positions.

K.A.R. 1-9-19a. Drug screening test for employees in designated positions, and all state employees at correctional facilities.

K.A.R. 1-9-25. Alcohol and controlled substances test for employees in commercial driver positions.

These regulations are being revised to comply with statutory amendments to K.S.A. 1998 Supp. 75-4362.

The term "designated position," as defined in K.A.R. 1-2-30, is being revised to reflect that all state employees at the juvenile correctional facilities are considered to be in

"safety sensitive" positions, and therefore are subject to drug screening tests for pre-employment qualification and on a "reasonable suspicion" basis.

K.A.R. 1-6-32 and K.A.R. 1-9-19a are being amended to make it clear that drug screening test results are not required to be kept confidential in Civil Service Board hearings regarding disciplinary action based on or relating to the results or consequences of a drug screen test.

K.A.R. 1-9-19a also is being amended to clarify that all state employees at correctional facilities may be required to submit to a drug screening test based upon reasonable suspicion of illegal drug use by that employee.

K.A.R. 1-9-19a and K.A.R. 1-9-25 are being amended to clarify that employees in temporary or trainee positions are subject to dismissal in accordance with K.A.R. 1-10-6, if the employee receives a confirmed "positive" drug screen result or violates any provisions of 49 C.F.R. Part 382, Subpart B.

Any economic impact on state agencies is the result of the statutory amendments that were effective July 1, 1998. The amendments to the regulations that implement the statutory changes do not create any additional economic impact on the affected state agencies or employees.

K.A.R. 1-10-10. Corrective action for violation of the civil service act. This proposed new regulation would give the Director of Personnel Services authority to recommend corrective action to the appointing authority of the employee's agency if, following an investigation pursuant to subsection (e) of K.S.A. 75-3746, the director finds that any employee in the classified service has violated any provision of the Kansas civil service act and amendments thereto. No measurable economic impact on the Department of Administration, state employees or other state agencies associated with this alternative procedure is anticipated.

K.A.R. 1-10-11. Corrective action for violations regarding state employee benefits. This proposed new regulation would give the Director of Personnel Services authority to recommend corrective action to the appointing authority of the employee's agency if, following an investigation pursuant to subsection (e) of K.S.A. 75-3746 and amendments thereto, the director finds that any employee in the classified service or unclassified service has violated any provision of any state employee benefits program, including benefits offered under the cafeteria benefits plan, retirement benefits, or state workers compensation benefits or any regulations implementing these programs. No economic impact on the Department of Administration, state employees or other state agencies associated with this alternative procedure is anticipated.

Copies of the proposed regulations and the associated economic impact statements may be obtained from the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-4863, or the proposed regulations and economic impact statements can be found on the Internet at <http://da.state.ks.us/ps/documents/regs/proposed.htm>.

Daniel R. Stanley
Secretary of Administration

Doc. No. 023959

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 28 through July 11:

Date	Room	Time	Committee	Agenda
June 28	531-N	10:00 a.m.	Joint Committee on Special	Hearings on claims filed to date.
June 29	531-N	9:00 a.m.	Claims Against the State	
June 29	519-S	10:00 a.m.	Joint Committee on Children's	Updates on foster care issues and
June 30	519-S	9:00 a.m.	Issues	the Children's Health Insurance Program.
July 6	519-S	10:00 a.m.	SRS Transition Oversight	Agenda not available.
July 7	519-S	9:00 a.m.	Committee	
July 7	522-S	10:00 a.m.	Joint Committee on Information	Agenda not available.
			Technology	
July 8	514-S	10:00 a.m.	Joint Committee on	Agenda not available.
July 9	514-S	9:00 a.m.	Administrative Rules and	
			Regulations	
July 8	519-S	10:00 a.m.	Task Force on Providers of	Agenda not available.
July 9	519-S	9:00 a.m.	Mental Health Services	

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 023968

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. July 13 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority, unless otherwise stated. This list does not include cases which have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistance General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications for Certificate of Public Service:

Christopher and Rebecca Barnhart, 1784 U.S. 73 Hwy., Hiawatha, KS 66434; MC ID No. 157288; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).

Dean W. Brigman, dba Kwik Kourier Service, 2518 Lundman Drive, Hutchinson, KS 67502; MC ID No. 157282; Parts, paper, medical related items, office supplies.

Butch's Body Shop, LLC, 1110 Golden Ave., Colby, KS 67701; MC IC No. 157283; William Barker, Attorney; General commodities (except household goods and hazardous materials).

Copart of Kansas, Inc., dba Copart Salvage Auto Auctions, 515 S. Kansas Ave., Topeka, KS 66603; MC ID No. 157287; General commodities (except hazardous materials).

David Gaggero, dba Freight Logistics Co., 743 S. Market, Wichita, KS 67211; MC ID No. 157286; General commodities (except household goods and hazardous materials).

R & R Wood, Inc., 4082 122 St., Meriden, KS 66512; MC ID No. 157284; Joseph Weiler, Attorney; General commodities (except Classes A and B explosives and household goods).

Schneider Alfalfa Farms, Inc., 1213 N.W. 30 Road, Albert, KS 67511; MC ID No. 157285; General commodities (except household goods and hazardous materials).

Application for Abandonment of Certificate of Public Service:

Grover Johnson and Leland Massey, dba Eudora Tow & Tire Service, 14 E. 7th St., Eudora, KS 66025-9513; MC ID No. 121123.

Applications for Extension Certificate of Public Service:

Midwest Services & Towing, Inc., dba Midwest Tow Service, 400 Kansas Ave., Kansas City, KS 66105; MC ID No. 103959; General commodities (except Classes A and B explosives and household goods).

Kirk R. Poe, dba Poe Truck Line, 1276 N. Creek Road, Milton, KS 67106; MC ID No. 130832; General commodities (except household goods and hazardous materials).

Jacquelyn S. Miller
Administrator
Transportation Division

Doc. No. 023969

State of Kansas

Board of Pharmacy

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Thursday, August 26, at the Clubhouse Inn, 924 S.W. Henderson Road, Topeka, to consider the adoption of proposed rules and regulations of the Kansas Board of Pharmacy.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Larry Froelich, Executive Secretary, Room 513, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their view, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Karen Hollon at (785) 296-6504.

The regulations are proposed for adoption on a permanent basis. A brief summary of the proposed regulations and economic impact follows:

K.A.R. 68-3-5. Retail dealer permit required. The regulation outlines the permit required for retail dealers to sell nonprescription drugs for use by a consumer.

There is no anticipated economic impact on the Board of Pharmacy, other governmental agencies, registrants or the public. Currently, there are 1,959 permits issued by the Board of Pharmacy, which expire annually on the last day of February.

K.A.R. 68-3-6. Minimum required information for permit. The regulation outlines the information required to obtain a retail dealer's permit.

There is no anticipated economic impact on the Board of Pharmacy, other governmental agencies, registrants or the public.

K.A.R. 68-15-2. Nonprescription wholesale distributor registration required. The regulation outlines the registration required for nonprescription wholesale distributors to sell nonprescription drugs to entities other than a consumer or a patient.

There is no anticipated economic impact on the Board of Pharmacy, other governmental agencies, registrants or the public. Currently, there are 47 registrations issued by the Board of Pharmacy, which expire annually on June 30.

K.A.R. 68-15-4. Minimum requirements for storage. The regulation outlines the storage requirements for nonprescription wholesalers.

There is no anticipated economic impact on the Board of Pharmacy, other governmental agencies, registrants or the public.

K.A.R. 68-2-11. Separate entrance. The regulation explains that pharmacy registrations are only issued to premises that can be secured whenever a pharmacist is not on duty.

There is no anticipated economic impact on the Board of Pharmacy, other governmental agencies, registrants or the public.

Copies of the regulations and economic impact statements may be obtained by contacting the Kansas Board of Pharmacy.

Larry Froelich
Executive Secretary

Doc. No. 023975

(Published in the Kansas Register June 24, 1999.)

Sedgwick County, Kansas
Shawnee County, KansasNotice of Public Hearings on Proposed Issuance
of Single Family Mortgage Revenue Bonds

Public notice is hereby given that Sedgwick County, Kansas, and Shawnee County, Kansas (jointly, the issuers), will conduct public hearings with respect to the proposed issuance of approximately \$65,000,000 of Single Family Mortgage Revenue Bonds at the following times and locations:

Date: June 30
Time: 9 a.m.
Location: Sedgwick County Courthouse
Commission Meeting Room, 3rd Floor
525 N. Main, Wichita

Date: July 1
Time: 9 a.m.
Location: Shawnee County Courthouse
200 S.E. 7th, Topeka

The proceeds of such bonds will be utilized to refund a portion of certain previously issued single family mortgage revenue bonds and to purchase securities that are backed by qualified home mortgage loans made to persons and families of low and moderate income (first-time homebuyers) residing within the unincorporated areas of Sedgwick County and Shawnee County, and within the corporate limits of certain cities and the unincorporated areas of certain counties in Kansas that enter into cooperation agreements with either of the issuers.

All persons will be given an opportunity to be heard at the times and places specified above. Written comments also may be submitted to the issuers: Sedgwick County Clerk, Sedgwick County Courthouse, 525 N. Main, Wichita, 67203; or Shawnee County Clerk, Shawnee County Courthouse, 200 S.E. 7th, Topeka, 66603.

Dated June 10, 1999.

Sedgwick County, Kansas
Shawnee County, Kansas

Doc. No. 023958

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's website at www.kssos.org. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

**District Judge, 10th Judicial District,
Division 12**

Thomas E. Foster, County Administrative Building, 111 S. Cherry, Olathe, 66061. Succeeds Robert Jones.

**District Magistrate Judge, 17th Judicial
District, Position 1**

Barbara J. Stites, Trego County Courthouse, Wa-Keeney, 67672. Succeeds Pauline Coker.

Anderson County Attorney

Frederick B. Campbell, Anderson County Courthouse, Garnett, 66032. Term expires when a successor is elected and qualifies according to law. Succeeds Jay Hinkel.

Gove County Clerk

Julie A. Hawkey, Gove County Courthouse, Gove, 67736. Term expires when a successor is elected and qualifies according to law. Succeeds William Beougher.

Hamilton County Sheriff

Bethanie F. Popejoy, Hamilton County Courthouse, Syracuse, 67878. Term expires when a successor is elected and qualifies according to law. Succeeds Daniel A. Levens.

Credit Union Council

Antonio Augusto, 4601 S.E. Pawnee Drive, Berryton, 66409. Term expires March 15, 2002. Succeeds Carolyn Campbell.

Ravenna H. Owens, 515 N. Holyoke, Wichita, 67208. Term expires March 15, 2002. Succeeds Sharon Allbaugh.

Steve A. Ray, 8919 Parallel Parkway, #208, Kansas City, KS 66112. Term expires March 15, 2002. Succeeds William Hauber.

**Persian Gulf War Veterans
Health Initiative Advisory Board**

Jefferson D. Lawson, 8321 Corona Ave., Kansas City, KS 66112. Term expires June 30, 2001. Reappointed.

Sharon Raby, 8915 Summit St., Shawnee Mission, 66215. Term expires June 30, 2002. Reappointed.

Supreme Court Nominating Commission

Jack Brier, 10 Westboro Place, Topeka, 66604. Term expires June 30, 2003. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 023960

State of Kansas

Wildlife and Parks Commission

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, August 26, at the Red Coach Inn, 2529 W. Central, El Dorado, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. August 26 at the location listed above. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. August 27 at the same location.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Cindy Baugh, commission secretary, at (316) 672-5911. Persons with a hearing impairment may call the TDD service at (800) 766-3777 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The administrative regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-7-1. This regulation establishes legal fishing equipment and methods for sportfishing and for nonsportfish. The proposed amendment would allow cross-bows to be used for taking nonsportfish.

Economic Impact Summary: The proposed amendment would provide more flexibility in the taking of nonsportfish, especially for persons unable to use a traditional bow. It is not anticipated to have a substantial economic impact on the department, other state agencies, or members of the public.

K.A.R. 115-7-5. This regulation establishes legal equipment and other requirements for taking bullfrogs and tur-

ties. The proposed amendment would allow crossbows to be used for taking bullfrogs.

Economic Impact Summary: The proposed amendment would provide more flexibility in the taking of bullfrogs, especially for persons unable to use a traditional bow. It is not anticipated to have a substantial economic impact on the department, other state agencies, or members of the public.

K.A.R. 115-18-4. This regulation provides for the issuance of a permit to hunt from a vehicle to any person with a qualifying disability. The proposed amendment would allow persons receiving an individual identification card pursuant to K.S.A. 8-1,125 to use that card as a permit to hunt from a vehicle, rather than requiring that the person apply for a separate permit issued by the Department of Wildlife and Parks.

Economic Impact Summary: The proposed amendment may decrease department revenue by as much as \$900, due to persons using the individual identification card rather than purchasing the department permit. However, the department also is considering elimination of the \$3 fee for the department permit. If the fee is eliminated, then the proposed amendment to this regulation would not, be itself, impact department revenue. No other economic impact to other state agencies or members of the public is anticipated.

K.A.R. 115-18-7. This regulation provides for the issuance of a permit to any person with a qualifying disability, which would allow the use of a crossbow to hunt big game. Under current law, only persons with a permanent disability may qualify for this permit. The primary amendment to this regulation would allow the issuance of a temporary crossbow permit in certain situations. The second substantive amendment to this regulation would allow the use of sights, scopes or range-finding devices on crossbows on the same basis that they are allowed on traditional bows.

Economic Impact Summary: Although the proposed amendment would allow increased flexibility in the issuance and use of crossbow permits, and therefore might lead to increased issuance of crossbow permits, no substantial economic impact to the department, other state agencies or members of the public is anticipated.

K.A.R. 115-18-13. This regulation establishes dark goose hunting units, defines dark geese and establishes a permit requirement for the hunting of dark geese in the units. The first proposed amendment to the regulation would amend the Flint Hills unit to create a space between the unit boundaries and the City of Topeka. The second proposed amendment would eliminate the requirement of a carcass tag in the Marais des Cygnes Valley unit.

Economic Impact Summary: These amendments may lead to some increase in the number of dark goose permits sold, providing some economic revenue to the department. In addition, the change in unit boundaries would provide more flexibility to address areas of problem goose populations. Otherwise, no substantial economic impact to the department, other state agencies or members of the public is anticipated.

K.A.R. 115-18-14. This regulation establishes legal types of shot for hunting migratory waterfowl and other migratory wetland birds. The proposed amendment would add certain materials to the list of approved non-toxic shot within the state: tungsten-polymer, tungsten-matrix and tin. If federal approval has been finalized by the scheduled August 26 Wildlife and Parks Commission meeting, then commission action at that time would allow these materials to be used during the upcoming migratory waterfowl seasons.

Economic Impact Summary: To the extent these types of shot are purchased and used by hunters, the proposed amendment would provide an economic benefit to resident businesses selling these types of shot. No other impacts are expected for the state or for the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by contacting the chairman of the commission at the address above or by calling (785) 296-2281.

John R. Dykes
Chairman

Doc. No. 023967

State of Kansas Consumer Credit Commissioner

Notice of Fee Changes

K.S.A. 16a-6-104(6) of the Kansas Uniform Consumer Credit Code authorizes the Consumer Credit Commissioner to establish fees. The following fees will be assessed beginning July 1, 1999, for the remainder of the calendar year. This fee schedule will conform to the new licensing requirements and other amendments set forth in Substitute for Senate Bill No. 301.

	Current Fee	New Fee July 1, 1999
Annual Supervised Loan License (Application and Renewal)	\$150.00	\$300.00
License Investigation Fee	50.00	0
License Amendment Fee	25.00	25.00
Annual Notification	25.00	25.00
Volume Fee per \$100,000 of Average Balance of Consumer Credit Outstanding	18.00	18.00
Credit Service Organizations (one-time fee)	100.00	100.00
Examination Fee (for 16 accounts or more)	400.00	0

For out-of-state examinations, the licensee will continue to be assessed for actual out-of-state travel, subsistence and administrative expenses.

Beginning July 1, 1999, the \$300 application fee for a Supervised Loan License will be nonrefundable even if the application is withdrawn or denied.

Questions may be directed to the Consumer Credit Commissioner, (785) 296-3151.

David Brant
Acting Commissioner

Doc. No. 023978

State of Kansas

Attorney General

Opinion 99-25

Insurance—Insurance Department—Uniform Policy Provisions; Accident and Sickness Policy; External Review Process; Constitutionality. Senator Jim Barone, 13th District, Frontenac, April 27, 1999.

Proposed 1999 Substitute for Senate Bill No. 80 would create an external review process conducted by qualified and credentialed health care providers to review an adverse decision against a consumer by an insurer under a health insurance plan. The judicial review provisions of the proposed legislation treat the insurer and the insured equally and thus do not offend the Equal Protection Clause or the Due Process Clause of the Fourteenth Amendment to the United States Constitution. Cited herein: 1999 Sub. for SB 80; U.S. Const., 14th Amend.

Opinion 99-26

Corporations—Corporate Filings, Records, Fees and Franchise Taxes—Annual Reports and Franchise Taxes of Domestic Corporations Organized for Profit; Annual Reports and Privilege Fee of Nonprofit Corporation; Review by Secretary of State. Ron Thornburgh, Secretary of State, Topeka, April 28, 1999.

Corporations doing business in Kansas must file an annual report with the Secretary of State pursuant to K.S.A. 1999 Supp. 17-7503. The Secretary of State is authorized to reject an annual report when the filing party is unable to provide the information required by K.S.A. 17-6007 because the incorporator has failed to perfect the organization of the corporation within a reasonable amount of time. Additionally, the Secretary of State is authorized to reject the filing of articles of incorporation from a non-profit entity when the incorporator fails to provide the conditions of membership as required by K.S.A. 17-6002(a)(4). Cited herein: K.S.A. 17-6002, as amended by 1999 HB 2161; K.S.A. 1998 Supp. 17-6005; K.S.A. 17-6006; 17-6007; 17-6008; K.S.A. 1998 Supp. 17-7402; K.S.A. 17-7503. GE

Opinion 99-27

Taxation—Limitations on Tax Levies—1999 Senate Bill No. 45; Removal of Fund Levy Limitations; Effect on Taxing Authority of Libraries and Library Systems.

Taxation—Aggregate Tax Levy Limitations—Expiration; Effect on Taxing Authority of Libraries and Library Systems. Duane Johnson, State Librarian, Kansas State Library, June 2, 1999.

1999 Senate Bill No. 45 does not alter the ability of libraries having direct taxing powers to levy for library purposes, nor does the bill alter the ability of libraries created under K.S.A. 12-1218 *et seq.* to determine the amount of property taxes to be levied for library purposes, subject to any "limitations fixed by law." While all statutory levy limitations are suspended by Section 72 of the bill, any other limits properly established by local legislative bodies are not. A library having the power to levy

directly, or to require another taxing body to levy on its behalf, is a "taxing subdivision" for purposes of Section 21 of the bill. Thus, such libraries are required to adopt a resolution prior to approving any appropriation or budget "which provides for funding with [property tax] revenue in an amount exceeding that of the next preceding year" except as otherwise provided in Section 21. Cited herein: K.S.A. 12-1215; 12-1218; 12-1220; 12-1260; 12-16,102; 12-1775; 75-2551; 79-1945; 79-5021; 79-5022; 79-5038; 1999 SB 45 §§ 21-25, 72, 78; 1999 SB 226. JLM

Opinion 99-28

Counties and County Officers—Sheriff—Deputies; Sheriffs' Authority to Cross-Deputize Tribal Law Enforcement Officers. Representative Becky Hutchins, 50th District, June 2, 1999.

Sheriffs are empowered by K.S.A. 19-805 to appoint deputies for particular purposes. Thus, sheriffs have statutory authority to deputize tribal law enforcement officers to enforce state law within the parameters set by the sheriff. Generally a sheriff is liable for official acts of the sheriff's deputies. However, tribes may agree to waive their immunity for purposes of indemnifying the county or sheriff for any liability incurred as a result to negligent acts of deputized tribal law enforcement officers while acting in an official capacity on behalf of the sheriff. The mechanism for enforcing such an agreement will depend on the terms of the agreement. Cited herein: K.S.A. 19-805; 19-805a; 74-2113; 74-5602; K.S.A. 1998 Supp. 74-9804(c); K.S.A. 75-711; 75-6101; 42 U.S.C. § 1983. JLM

Opinion 99-29

Counties and County Officers—County Commissioners—Powers and Duties; Control Over Expenditures and Purchasing Procedures of Elected Officials. Sandra L. Jacquot, Shawnee County Counselor, Topeka, June 11, 1999.

A board of county commissioners has authority over county expenditures; however, the board must allow expenditures necessary to meet the statutory responsibilities of elected officials. The Board of County Commissioners of Shawnee County may require that monies allotted to a major service area (MSA) within the general budget be spent for services or goods that fall within that particular MSA. Because Shawnee County does not require that an elected official adhere to any specific line items within each MSA, once the Board of County Commissioners has designated funds to a particular MSA within an elected official's budget, the official may spend those funds for purposes within the MSA. The Board of County Commissioners may not, for current budget year purposes, override an expenditure decision by an elected official if the expenditure is within the bottom line amount for the MSA and the official complies with applicable county purchasing procedures. An elected county official may not incur indebtedness in excess of the established budget unless the additional expenditure is required by law or approved by the board of county commissioners. An elected county official should follow county purchasing procedures; however, a board of

county commissioners may not require that an elected official obtain prior approval by the board for expenditures that are necessary for the elected official to carry out statutory duties. Cited herein: K.S.A. 19-212; 19-229; 79-2925; 79-2927; 79-2929; 79-2934; 79-2936. DMV

Carla J. Stovall
Attorney General

Doc. No. 023977

(Published in the Kansas Register June 24, 1999.)

**Summary Notice of Bond Sale
City of Clay Center, Kansas
\$615,000**

**General Obligation Street Improvement Bonds
Series 1999**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated June 15, 1999, sealed bids will be received by the clerk of the City of Clay Center, Kansas (the issuer), on behalf of the governing body at City Hall, 427 Court, Clay Center, KS 67432, until 4:30 p.m. July 6, 1999, for the purchase of \$615,000 principal amount of General Obligation Street Improvement Bonds, Series 1999. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated July 1, 1999, and will become due on October 1 in the years as follows:

Year	Principal Amount
2000	\$60,000
2001	60,000
2002	60,000
2003	60,000
2004	60,000
2005	60,000
2006	60,000
2007	65,000
2008	65,000
2009	65,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2000.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$12,300 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 20, 1999, at DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1998 is \$19,112,940. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$1,993,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (785) 632-5454, or from the financial advisor, Stifel, Nicolaus & Company, Incorporated, 250 N. Water, Suite 100, Wichita, KS 67202, Attention: Larry L. McKown, (316) 337-8498.

Dated June 15, 1999.

City of Clay Center, Kansas

Doc. No. 023955

(Published in the Kansas Register June 24, 1999.)

**Summary Notice of Bond Sale
Grant County, Kansas
\$1,750,000**

**General Obligation Hospital Improvement Bonds
Series 1999**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated June 15, 1999, sealed bids will be received by the clerk of Grant County, Kansas (the issuer), on behalf of the governing body at the Grant County Courthouse, 108 S. Glenn, Ulysses, KS 67880, until noon July 6, 1999, for the purchase of \$1,750,000 principal amount of General Obligation Hospital Improvement Bonds, Series 1999. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated July 1, 1999, and will become due on September 1 in the years as follows:

(continued)

Year	Principal Amount
2000	\$300,000
2001	325,000
2002	360,000
2003	375,000
2004	390,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2000.

Optional Book-Entry-Only System

The successful bidder may *elect* to have the bonds registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$35,000 (2 percent of the principal amount of the bonds).

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about July 27, 1999, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1998 is \$364,137,967. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$1,930,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 356-1335, or from the financial advisor, Ranson & Associates, Inc., 250 N. Rock Road, Suite 150, Wichita, KS 67206, Attention: Stephen E. Shogren, (316) 681-3123.

Delivery Dated June 15, 1999.

Grant County, Kansas

Doc. No. 023957

State of Kansas

Department of Revenue

Notice 99-02

Summary of 1999 Cigarette and Tobacco Legislation

House Bill 2568, as enacted by the 1999 Kansas Legislature, requires any tobacco product manufacturer selling cigarettes to consumers within the State of Kansas to either become a participating manufacturer of the master settlement agreement entered into on November 23, 1998, or place into a qualified escrow fund by April 15 of the year following the end of a calendar year an amount based on the number of cigarette units sold. For the purposes of the master tobacco settlement, the legislation defines cigarettes to include roll-your-own tobacco. There are no changes in how the roll-your-own tobacco is taxed. The Kansas Department of Revenue is responsible for reporting the number of units sold based on the excise tax collected. The law is effective May 20, 1999.

For roll-your-own tobacco products, a change in the tobacco excise tax reporting is required to capture the quantity of roll-your-own tobacco products, by manufacturer, being shipped into Kansas. Beginning with shipments entering Kansas on May 21, 1999, the reporting of roll-your-own tobacco products must be documented. A new Schedule 2C, Monthly Report of Roll-Your-Own Tobacco Products, is available to report the quantity of the product being shipped into Kansas. A separate schedule will be completed for each manufacturer.

In-State Distributors: The total manufacturer's net invoice price will be carried from Schedule 2C to line 1b on the Kansas Distributor's Tobacco Products Monthly Report. All other tobacco products will be reported using existing schedules and reported on line 1a of the monthly report.

Out-of-State Distributors: Complete Schedule 2C as an attachment to your monthly report, Out-of-State Tobacco Products Distributors Selling into Kansas (Schedule 6). There are no changes to the monthly report. On Schedule 6 you will continue to report by consignee.

There are no changes to the filing procedures for the reporting and remitting of tax for cigarettes brought into Kansas. The department can quantify the units sold for cigarettes from the current tax data collected.

Taxpayer Assistance

If you have questions about these new provisions or their application, contact the office below:

Kansas Department of Revenue
Cigarette and Tobacco Excise Tax
915 S.W. Harrison
Topeka, 66625-0001
(785) 296-5329
TTY: (785) 296-3909

For questions regarding the legislation and the master settlement agreement, contact the Kansas Attorney General's office at (785) 296-2215.

Karla Pierce
Secretary of Revenue

Doc. No. 023964

State of Kansas

Department of Revenue

Notice 99-03

Oil Lease Working Interest Credit

Senate Bill 45 was recently passed and signed into law providing tax relief to the oil industry. This legislation allows an income tax credit to working interest owners equal to 75 percent of the 1998 personal property tax paid on the working interest of an oil lease, from which the average daily production per well is 15 barrels or less. The property tax must have been levied for property tax year 1998 and timely paid during the income tax year in which the credit is taken. The amount of credit that exceeds the tax liability will be refunded. The credit is effective for the tax year beginning after December 31, 1997.

For taxable years commencing after December 31, 1998, an income tax credit is allowed equal to 50 percent of the personal property tax paid on the working interest of an oil lease, from which the average daily production per well is 15 barrels or less, when the price per barrel of oil is \$16 or less as shown for the applicable tax year in the oil and gas appraisal guide prescribed by the Director of Property Valuation, Kansas Department of Revenue. The property tax must have been timely paid during the income tax year for which the credit is taken. The amount of credit that exceeds the tax liability will be refunded.

Average daily production per well is defined as the annual lease production divided by 365 divided by the number of wells on that lease. For the 75 percent tax credit, use 1997 production in the calculation of the average daily production per well. For 1999 and later years, use the property tax year rendition production, e.g., 1999 property tax year use 1998 production year.

Last year, legislation was passed providing a 15 percent income tax credit for personal property tax paid on qualified business machinery and equipment for the oil industry (K.S.A. 79-32,206). This credit allowed under K.S.A. 79-32,206 may not be taken in the same year as the oil lease working interest credit. Many working interest owners have taken advantage of the credit under K.S.A. 79-32,206 by filing Schedule K-64 with their 1998 income tax return. With the passage of SB 45, eligible working interest owners may file an amended 1998 return replacing the 15 percent credit, if claimed, with the Schedule K-50, Oil Lease Working Interest Credit.

A working interest owner who is an individual or corporation and has not filed their 1998 income tax return may complete either Schedule K-50 to claim their proportionate share of the 75 percent income tax credit or complete Schedule K-64 to claim their proportionate share of the 15 percent income tax credit on qualified business machinery and equipment (see Notice 99-01).

In order for the working interest owner to claim the credit on the working interest of an oil lease, an operator must provide each working interest owner with:

- A copy of the tax receipt showing timely payment of the property tax;
- the amount of tax paid on the working interest of an oil lease; and
- the working interest owner's share of those taxes.

As an alternative to the above method, an operator may choose instead to file an information return with the Kansas Department of Revenue. The operator must attach to the information return a copy of the tax receipt showing timely payment of the property tax for each lease and a schedule showing the following for each lease:

- The amount of tax paid on the working interest of an oil lease;
- the name and identification number (SSN or federal EIN) of each working interest owner, and
- each working interest owner's share of the qualifying taxes.

For working interest owners who are S-corporations, partnerships or limited liability companies, the individual shareholders, partners or members will claim the credit on their tax returns as outlined below.

S-Corporations, Partnerships and Limited Liability Companies

Shareholders, partners and members will claim the oil lease working interest credit on their tax returns by completing Kansas Schedule K-50. In order to do this, the S-corporation, partnership or limited liability company must provide each shareholder, partner or member with:

- A copy of the tax receipt showing timely payment of the property tax;
- a breakdown of the tax paid on the working interest of an oil lease; and
- the shareholder, partner or member's proportionate share of the taxes paid.

Taxpayer Assistance

To obtain Schedule K-50, Schedule K-64 or Schedule K-64O, call the Kansas Department of Revenue's voice mail forms request line at (785) 296-4937 or download them from our website: www.ink.org/public/kdor. For more information about the credit or for assistance in completing the form, contact any of the department's offices listed below. Contact your county officials for information or assistance in determining the amount of personal property taxes paid on the working interest of an oil lease.

Topeka Assistance Center

1st Floor, Docking State Office Building
915 S.W. Harrison
Topeka, 66612-1588
(785) 296-0222

Metropolitan Assistance Center

Cloverleaf Office Park, Building 3
6405 Metcalf Ave., Suite 120
Overland Park, 66202-3928
(913) 677-0158

Wichita Assistance Center

Room 7150, Finney State Office Building
230 E. William
Wichita, 67202-4002
(316) 337-6140

Karla Pierce
Secretary of Revenue

Doc. No. 023965

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1998 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(1) and 75-4209(a)(1)(B).

Effective 6-21-99 through 6-27-99	
Term	Rate
1-89 days	4.70%
3 months	4.74%
6 months	5.06%
9 months	5.00%
12 months	5.19%
18 months	5.47%
24 months	5.57%

Derl S. Treff
Director of Investments

Doc. No. 023950

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Williams Pipeline Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Williams Pipeline Company, Tulsa, Oklahoma, owns and operates a liquid petroleum pipeline located at Route 2, Wathena, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Allen, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business July 26.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing

shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business July 26 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has 45 days after receipt of the proposed Class I operating permit within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA within 60 days after the expiration of the 45-day review period to review the permit. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period.

Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 726 Minnesota Ave., Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 023962

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 99-01 by adding the following projects:

Project X-1245-00, Statewide preliminary engineering for state FY-2000 Railroad Crossing Program

Project TE-0152-01, Statewide preliminary engineering for Cultural Resource Geographical Information System

The amendment of the STIP requires a 30-day public comment period. To receive more information on these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude July 26.

E. Dean Carlson
Secretary of Transportation

Doc. No. 023956

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Farmland Industries, Inc. has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 *et seq.* The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Farmland Industries, Inc., Bartlesville, Oklahoma, owns and operates a crude petroleum pipeline station located at S4-T35S-R14E, Montgomery County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or Lynelle Stranghoner, (316) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Allen, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business July 26.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business July 26 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has 45 days after receipt of the proposed Class I operating permit within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA within 60 days after the expiration of the 45-day review period to review the permit. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period.

Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 726 Minnesota Ave., Kansas City, KS 66101, (913) 551-7097, to determine when the 60-day petition period commences.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 023963

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas
Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-99-64/72
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Whipple Valley Dairy Terry Whipple HCR 1, Box 420 Beeler, KS 67518	NW/4 of Section 6, T18S, R26W, Ness County	Upper Arkansas River Basin

Kansas Permit No. A-UANS-M003

This is a renewal permit for 40 head (56 animal units) of dairy cows.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls are adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Walker Feedlot, Inc. Harvey Walker 612 Lark Road Hope, KS 67451	S/2 of Section 33, T15S, R3E, Dickinson County	Smoky Hill River Basin

Kansas Permit No. A-SHDK-BD02

This is a new permit for 950 head (950 animal units) of beef.

Wastewater Control Facilities: Wastewater will be dispersed onto bromegrass agricultural land for beneficial use. Wastewater treatment will be provided which meets or exceeds KDHE minimum requirements.

(continued)

Compliance Schedule: The waste management plan shall be adhered to as a condition of this permit. If wastes are not analyzed for nutrient content, waste shall be applied at not greater than 10 ton per acre.

Name and Address of Applicant	Legal Description	Receiving Water
Pioneer Pork Ken Goodyear 9020 Humboldt Creek Rd. Dwight, KS 66849	Section 35, T12S, R7E, Geary County	Humboldt Creek

Kansas Permit No. A-KSGE-H001 Federal Permit No. KS-Q118508

This is a revision of an existing permit from 9,270 head (3,708 animal units) of swine to 2,350 head over 55 pounds and 3,250 head 55 pounds or less (1,265 animal units). The existing permit is being divided into two separate permits based upon the physical separation of these facilities (noncontiguous property and no common application areas).

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure management, odor control, dead swine handling, and emergency response plans approved by the department shall be adhered to as a condition of the permit. A nutrient utilization plan shall be developed.

Name and Address of Applicant	Legal Description	Receiving Water
Pioneer Pork (South) Ken Goodyear 9020 Humboldt Creek Road Dwight, KS 66849	NE/4 of Section 2 and SE/4 of Section 35, T13S and T12S, R7E, Geary County	Humboldt Creek

Kansas Permit No. A-KSGE-S011

This is a new permit for 2,350 head over 55 pounds (940 animal units) of swine. An existing permit (A-KSGE-H001) is being divided into two separate permits based upon the physical separation of these facilities (noncontiguous property and no common application areas).

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan approved by the department shall be adhered to as a condition of the permit. A written agreement for waste application areas shall be submitted to the department within 60 days of issuance of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
N & R Land & Cattle Enterprises, Inc. P.O. Box 2803 Salina, KS 67402	SW/4 of Section 25, T13S, R3W, Saline County	Saline River

Kansas Permit No. A-SASA-T001

This is renewal of an existing truck washing permit for 100 trucks per month.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan approved by the department shall be adhered to as a condition of the permit. Dewatering equipment and a minimum of 400 acres of cropland for solid waste disposal shall be obtained within 90 days of permit issuance. Lagoon compacted clay liner shall achieve a permeability rate of .00435 inches or less per day. Siting and depth of a minimum of 3 monitoring wells shall be determined within 90 days of permit issuance.

Name and Address of Applicant	Legal Description	Receiving Water
Gordon Wiebe 12627 N.W. Prairie Creek Road Whitewater, KS 67154	NE/4 of Section 32, T23S, R3E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-S037

This is a new permit for existing and additional wastewater facilities for 2,270 head (803 animal units) of swine at an existing swine operation.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan approved by the department during the month of June 1999 shall be adhered to as a condition of this permit. Dewatering equipment shall be obtained within three months after the effective date of this permit. Any proposed construction or expansion of a confined feeding facility that has been approved by the department shall be completed within two years of permit or of permit modification effective date.

Name and Address of Applicant	Legal Description	Receiving Water
Roman Beachy 6202 S. Whiteside Road Hutchinson, KS 67501	SW/4 of Section 8, T24S, R6W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M040

This is a new permit for an existing waste control facility for 80 head (112 animal units) of mature dairy cattle at an existing dairy.

Wastewater Control Facilities: Wastewater will be stored for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan approved by the department during the month of May 1999 shall be adhered to as a condition of this permit. Monthly operational logs for the first year of operation under this permit shall be submitted to the KDHE Wichita and Topeka offices within 10 days of the one year anniversary of the effective date of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Mayfield Dairy Clifford Miller 5913 E. Greenfield Road Haven, KS 67543	SW/4 of Section 25, T24S, R5W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M041

This is a new permit for a new waste control facility for 40 head (56 animal units) of mature dairy cattle at an existing dairy.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity will be provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan shall be developed by the permittee. The plan shall be submitted to the department within three months of the effective date of this permit. Upon excavation and compaction of the lagoon, a liner integrity test must be conducted. The lagoon shall not be placed in use until KDHE has approved the results of the integrity testing. Any proposed construction or expansion of a confined feeding facility that has been approved by the department shall be completed within two years of permit or of permit modification effective date.

Name and Address of Applicant	Legal Description	Receiving Water
H & S Beachy Jersey Farm Harley S. Beachy 8815 S. Whiteside Road Hutchinson, KS 67501	NE/4 of Section 19, T24S, R6W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M039

This is a new permit for an existing waste control system for 120 head (168 animal units) of mature dairy cattle at an existing dairy.

Wastewater Control Facilities: Wastewater will be stored for subsequent application to agricultural land for beneficial use.

Compliance Schedule: The waste management plan approved by the department during the month of June 1999 shall be adhered to as a condition of this permit. Within 90 days of the effective date of the permit the permittee shall identify, in writing, a minimum of 30 acres at the facility to be used as an 'emergency land application site' in the event process and animal wastewater need to be land applied when the ground is frozen, snow covered or saturated, or land applied during a precipitation event. Monthly operational logs for the first year of operation under this permit shall be submitted to the KDHE Wichita and Topeka offices within 10 days of the one year anniversary of the effective date of this permit.

Public Notice No. KS-99-112/121

Name and Address of Applicant	Waterway	Type of Discharge
Acme Brick Company P.O. Box 582590 Tulsa, OK 74158	Smoky Hill River via Clear Creek via unnamed tributary	Mine pit dewatering and stormwater
Facility Name: Acme Brick Company - Vondras Mine		
Kansas Permit No. I-SH19-PO02		Federal Permit No. KS0087009
Legal: S34, T15S, R7W, Ellsworth County		

Facility Description: The proposed action is to reissue a permit for the discharge of wastewater from an existing mining operation. This facility is a clay mining operation for brick manufacturing. The discharge consists of mine pit dewatering and uncontaminated stormwater runoff. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Ash Grove Aggregates, Inc. Highway 52 West P.O. Box 70 Butler, MO 64730	Marais des Cygnes River via South Fork Creek via Pottawatomie Creek	Mine pit dewatering and stormwater via Bradshaw Creek
Facility Name: Welda Quarry		
Kansas Permit No. I-MC53-PO02		Federal Permit No. KS0093521
Legal: SW¼, S30, T21S, R20E, Anderson County		

Facility Description: The proposed action is a modification to an existing permit for the discharge of wastewater from an existing mining operation. This permit is changing from a nonwashing to a washing facility. This facility is engaged in a limestone quarry operation with some washing. Any discharge is from a settling pond that receives and treats wash water and stormwater runoff. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Bishop Carroll High School 8101 W. Central Wichita, KS 67212	Cowskin Creek via drainage ditch	Treated process wastewater
Kansas Permit No. I-AR94-CO64		Federal Permit No. KS0091545

Facility Description: The proposed action is a modification to an existing permit for the discharge of wastewater from an existing wastewater treatment facility. The monitoring for BTEX has been eliminated from this permit, and temperature monitoring has been added. This facility discharges once-through, noncontact cooling water to a drainage ditch. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
City of LeRoy 713 Main St. P.O. Box 356 LeRoy, KS 66857-0356	Crooked Creek	Treated domestic wastewater
Kansas Permit No. M-NE42-0001		Federal Permit No. KS0030813
Legal: NW¼, S2, T23S, R16E, Coffey County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Sonneco Properties, Ltd. 1999 N. Amidon, Suite 100 Wichita, KS 67203	Arkansas River via city storm sewer	Treated process wastewater
Facility Name: Marina Point Offices, L.C.		
Kansas Permit No. I-AR94-CO63		Federal Permit No. KS0090654

Facility Description: The proposed action is a modification to an existing permit for the discharge of wastewater from an existing wastewater treatment facility. The monitoring for total residual chlorine has been eliminated from this permit, and temperature monitoring has been added. This is an office building complex. On-site groundwater from an underflow of the Arkansas River is used for non-contact cooling of a heat pump. A sequestering agent and biocide is sometimes used. About 117,000 gallons of water is discharged per day. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
City of Troy 137 W. Walnut P.O. Box 506 Troy, KS 66087	Missouri River via Peters Creek	Treated domestic wastewater
Facility Name: Peters Creek WWTF		
Kansas Permit No. M-MO22-0001		Federal Permit No. KS0047520
Legal: SW¼, S16, T3S, R21E, Doniphan County		

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Owens-Corning Fiberglass Corporation 300 Sunshine Road Kansas City, KS 66115	Missouri River via Fairfax District cooling water diversion sewer	Treated process wastewater
Kansas Permit No. I-MO25-CO04		Federal Permit No. KS0002046
Legal: SW¼, S27, T10S, R25E, Wyandotte County		

Facility Description: The proposed action is a modification to an existing permit for the discharge of wastewater from an existing wastewater treatment facility. The annual monitoring for VOC has been eliminated from this permit. This facility manufactures glass fibers for insulation products. Once-through noncontact cooling water from a binder mix cooling reactor, resin plant cooling reactor, and R/U Premix cooling reactor is discharged to Missouri River via the Fairfax Diversion Sewer. All stormwater and process wastewater is discharged to the combined sanitary sewer. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
City of Riley City Hall P.O. Box 176 Riley, KS 66531	Kansas River via Wildcat Creek	Treated domestic wastewater
Kansas Permit No. M-KS62-0001		Federal Permit No. KS0085235
Legal: NW¼, S12, T9S, R5E, Riley County		

(continued)

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required monthly. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Sharpline Converting P.O. Box 9608 Wichita, KS 67277-0608	Cowskin Creek via unnamed tributary	Treated process wastewater
Kansas Permit No. I-AR94-CO55		Federal Permit No. KS0089753
Facility Location: 1520 S. Tyler Road, Wichita, KS 67209 Sedgwick County		

Facility Description: The proposed action is a modification to an existing permit for the discharge of wastewater from an existing wastewater treatment facility. Temperature limits were added to the permit. This facility manufactures self-adhesive decals and vinyl pin stripping for automobiles. The discharge consists of a once-through, noncontact cooling water used in heat pump(s) and rotary printing press. Approximately 10.9 gallons per minute of water can be discharged from three outfall. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Floyd Cosens and Bennie Lowry P.O. Box 68 Pleasanton, KS 67075	Marais des Cygnes River via Mine Creek	Treated domestic wastewater

Facility Name: Southview Housing Development WWTP
Kansas Permit No. C-MC35-0003 Federal Permit No. KS0087386
Legal: NW¼, S6, T22S, R25E, Linn County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring for ammonia and fecal coliform will be required annually. This facility is consider temporary and shall be abandoned when access to the city sewer system becomes available. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Dena Endsley for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments regarding the draft permit or application notice postmarked or received on or before July 24 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-99-64/72, KS-99-112/121) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit.

If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet checklist are available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays, 67601-2651, (785) 625-5664
North Central District Office, 2501 Market Place, Salina, 67401-7699, (785) 827-9639
Northeast District Office, 800 W. 24th, Lawrence, 66046-4417, (785) 842-4600
Southwest District Office, 302 W. McArtor Road, Dodge City, 67801-6098, (316) 225-0596
South Central District Office, 130 S. Market, 6th Floor, Wichita, 67202-3802, (316) 337-6020
Southeast District Office, 1500 W. 7th, Chanute, 66720, (316) 431-239

Plans and documents for all new facilities and for expansions of existing swine facilities also may be reviewed on the Internet at www.kdhe.state.ks.us.

For all other proposed permits, the draft permits, including, proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the address given above.

Division of Environment offices are open from 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 023966

State of Kansas

Department of Social and
Rehabilitation Services

Department on Aging

Notice of Final Nursing Facility Medicaid
Rates for State Fiscal Year 2000,
Methodology for Calculating Final Rates,
and Rate Justifications; Response to Written Comments;
and Notice of Intent to Amend the Medicaid State Plan

Under the Medicaid program, 42 U.S.C. 1396 *et seq.*, the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care unit (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging administers the Medicaid nursing facility services payment program on

behalf of the Secretary of Social and Rehabilitation Services. As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of Social and Rehabilitation Services (SRS) and the Secretary of Aging (KDOA) are publishing the final Medicaid per diem rates for Medicaid-certified nursing facilities for state fiscal year 2000 (FY 2000), the methodology underlying the establishment of the final nursing facility rates, and the justifications for those final rates. SRS and KDOA also are providing notice of the state's intent to submit proposed amendments to the Medicaid State Plan to the U.S. Department of Health and Human Services Health Care Financing Administration (HCFA) on or before September 30, 1999.

I. Methodology Used to Calculate Medicaid Per Diem Rates for Nursing Facilities. In general, the state uses a prospective, cost-based, facility-specific rate-setting methodology to calculate nursing facility Medicaid per diem rates, including the final rates in this notice. The states rate-setting methodology is contained primarily in the following described documents and authorities and in the exhibits, attachments, regulations or other authorities referenced in them:

- A. The following portions of the Kansas Medicaid State Plan maintained by SRS:
 1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1;
 2. Attachment 4.19D, Part I, Subpart E;
 3. Attachment 4.19D, Part I, Subpart F;
 4. Attachment 4.19D, Part I, Subpart S; and
- B. SRS regulations set out in K.A.R. Article 30-10.

The text of those portions of the Medicaid State Plan identified above in sections I.A.1-4., but not the documents, authorities and the materials incorporated into them by reference were reprinted in the April 29, 1999 issue of the Kansas Register (pages 514-524). The methodology used to calculate the final rates is the same as the methodology published in the April 29, 1999 Kansas Register. Readers should refer back to that issue for a description of the state's methodology.

A copy of the state's rate-setting methodology from the Medicaid State Plan and the materials referenced in the methodology are available upon written request. A request for copies will be treated as a request for public records under the Kansas Open Records Act, K.S.A. 45-215 *et seq.* The state will charge a fee for copies. Written requests for copies should be sent to:

Kansas Department on Aging
 Attn: Bill McDaniel
 New England Building
 503 S. Kansas Ave.
 Topeka, 66603-3404
 Fax (785) 296-0256

II. Final Medicaid Per Diem Rates for Kansas Nursing Facilities.

A. Cost Center Limitations. The state establishes the following cost center limitations which are used in the final rate-setting process:

Administration:	Median Cost + 15%	\$12.70 per day
Property: [Ownership Cost + (Plant Operating Median Cost + 30%)]		\$11.67 per day

Room & Board:	Median Cost + 30%	\$21.98 per day
Health Care (for a Case Mix Index of 1.0):	Median Cost + 25%	\$61.01 per day

These amounts were determined according to the reimbursement limitations section set out in Section I.A. of the methodology published in the April 29, 1999 issue of the Kansas Register.

B. Case Mix Index. These final rates are based upon each nursing facility's average-case mix index (CMI) calculated with a cutoff date of May 1, 1999, using the July 1, 1999, normalized table. In Section II.C. below, each nursing facility's average CMI is listed beside its final per diem rate.

C. Final Nursing Facility Per Diem Rates and CMI.

The final rates listed below differ from the proposed rates published in the April 29, 1999 Kansas Register because of several factors, including: adjustments due to completion of all the desk reviews of all the nursing facility cost reports, including those cost reports submitted after the February 28, 1999, deadline; use of the facilities' May 1, 1999, CMI instead of the April 1, 1999, CMI; consideration of amended nursing facility cost reports; and rebasing property fees. All of these factors impact cost center upper limits and individual nursing facility rates. In accordance with K.A.R. 30-10-18, the state will pay a nursing facility the lower of the per diem rate that the facility charges its private pay residents or the facility's final Medicaid per diem rate published below.

Facility Name	City	Daily Rate	Final CMI
Abilene Health Center	Abilene	60.75	0.93
Highland Care Home	Abilene	53.87	0.89
Aima Manor	Alma	84.59	1.03
Andover Health Care Center	Andover	90.29	0.92
Friendship Manor of Anthony	Anthony	84.63	0.94
Arkansas City Presbyterian Manor	Arkansas City	94.47	0.95
Medicalodge East Healthcare Ctr	Arkansas City	91.90	1.03
Medicalodge Post Acute & Rehab C	Arkansas City	96.97	0.87
Potomac Healthcare at Arma LLC	Arma	79.43	1.32
Ashland Health Center LTCU	Ashland	89.28	0.83
Atchison Hospital SNF	Atchison	105.60	1.07
Atchison Senior Village	Atchison	85.04	0.86
Dooley Center	Atchison	82.56	0.84
Medicalodge of Atchison	Atchison	79.03	0.97
Attica Long Term Care	Attica	82.77	0.87
Atwood Good Samaritan Center	Atwood	80.74	0.76
Augusta Medical Complex	Augusta	84.54	0.89
Lake Point Nursing Center	Augusta	77.84	1.05
Baldwin Care Center	Baldwin City	81.77	0.93
Quaker Hill Manor	Baxter Springs	71.93	0.93
Spring Valley Care Center	Baxter Springs	83.20	1.09
Belleville Health Care Center	Belleville	79.18	0.90
Republic County Hospital-LTCU	Belleville	94.10	0.83
The Lutheran Home	Belleville	57.08	0.82

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Hilltop Lodge Nursing Home	Beloit	70.94	0.97	Dodge City Good Samaritan Center	Dodge City	83.96	0.93
Mitchell County Community Hospital	Beloit	95.26	0.84	Manor of the Plains	Dodge City	89.28	1.10
Blue Valley Nursing Home	Blue Rapids	65.81	1.15	Trinity Manor	Dodge City	88.11	0.87
Great Plains Rehab & Nursing Center	Bonner Springs	76.40	1.00	Medicalodge of Douglass	Douglass	90.95	0.97
Hill Top House	Bucklin	79.94	0.91	Downs Nursing Center	Downs	78.02	0.97
Buhler Sunshine Home, Inc.	Buhler	90.12	0.93	Country Care Home	Easton	69.91	0.92
Santa Fe Trails Nursing Home	Burlingame	71.64	0.85	Edwardsville	Edwardsville	85.91	1.04
Life Care Center of Burlington	Burlington	87.18	0.93	Edwardsville Manor	Edwardsville	73.14	0.87
Beverly Health & Rehab	Caldwell	64.64	0.90	Parkway Care Center	Edwardsville	83.59	1.23
Caney Nursing Center	Caney	59.76	0.90	Beverly Health & Rehab	El Dorado	83.32	0.90
Shiloh Manor of Canton, Inc.	Canton	77.51	0.80	Knutson Manor Nursing Home	El Dorado	75.62	0.93
Cedarvale Manor	Cedarvale	64.92	0.84	Morton County Hospital	Elkhart	95.56	0.87
Eastridge	Centralia	79.12	0.80	IHS of Woodhaven	Ellinwood	72.85	1.00
Applewood Rehabilitation	Chanute	59.49	0.62	Ellis Good Samaritan	Ellis	79.46	1.09
Heritage Health Care Center	Chanute	73.92	1.16	Good Samaritan Center - Villa Gr	Ellsworth	85.35	1.27
Park Place Healthcare & Rehab Center	Chanute	80.39	0.91	Good Samaritan Center - Villa Ho	Ellsworth	87.41	0.82
Chapman Valley Manor	Chapman	72.95	0.86	Emporia Presbyterian Manor	Emporia	96.67	0.91
Cheney Golden Age Home Inc.	Cheney	78.56	0.86	Emporia Rehabilitation Center	Emporia	58.71	1.23
Sunny Acres of Cherryvale	Cherryvale	73.48	0.84	Holiday Resort, Inc.	Emporia	75.55	0.95
Chetopa Manor	Chetopa	66.65	1.25	Vintage Manor	Emporia	71.92	0.92
The Shepherd's Center	Cimarron	89.65	0.91	Enterprise Estates Nursing Center	Enterprise	65.86	0.89
Clay Center Presbyterian Manor	Clay Center	98.15	0.90	Heritage Village-Eskridge	Eskridge	67.46	0.70
Medicalodge of Clay Center	Clay Center	75.24	0.91	Eudora Nursing Center	Eudora	76.45	0.84
Ninnescah Manor	Clearwater	90.49	0.97	Medicalodge of Eureka	Eureka	86.73	0.84
Estelle's Nursing Home	Clifton	54.68	0.79	Florence Health Care	Florence	59.51	0.74
Park Villa Nursing Home	Clyde	70.13	0.89	Fort Scott/Marmaton Valley	Fort Scott	72.10	1.00
Coffeyville Nursing Home	Coffeyville	77.41	0.84	Medicalodge of Ft. Scott	Fort Scott	93.66	0.97
Coffeyville Regional Medical Center	Coffeyville	125.99	1.85	Mercy Hospital of Kansas	Fort Scott	119.38	1.19
Medicalodge East of Coffeyville	Coffeyville	86.86	0.95	Fowler Nursing Home	Fowler	78.81	0.74
Windsor Place	Coffeyville	79.29	1.13	Frankfort Community Care Home	Frankfort	77.88	1.01
Lantern Park Manor	Colby	69.28	1.47	Beverly Health & Rehab	Fredonia	76.98	1.13
Prairie Senior Living Complex	Colby	94.02	0.88	Sunset Manor, Inc	Frontenac	71.72	1.07
Pioneer Lodge	Coldwater	79.36	0.81	Barker Rest Home	Galena	50.76	1.01
Medicalodge of Columbus	Columbus	98.85	1.00	Galena Nursing & Rehabilitation	Galena	73.00	1.13
Colwich Health Center, Inc.	Colwich	74.88	1.01	Garden Valley Retirement Village	Garden City	88.10	1.03
Beverly Health & Rehab	Concordia	73.86	1.04	Terrace Garden Care Center	Garden City	88.33	1.00
Mt. Joseph Senior Community, Inc.	Concordia	85.40	0.93	Gardner Rehabilitation Center	Gardner	90.10	1.02
Sunset Nursing Center	Concordia	85.47	0.91	Meadowbrook Rehab Hospital	Gardner	146.42	1.68
Springview Manor	Conway Springs	71.85	0.81	Anderson County Hospital	Garnett	87.85	0.95
Chase County Nursing Home	Cottonwood Falls	71.89	1.05	Golden Heights Living Center	Garnett	77.04	0.98
Twin Lake Healthcare Center	Council Grove	73.53	0.94	The Heritage	Girard	61.26	0.91
Hilltop Manor	Cunningham	71.52	0.87	The Nicol Home, Inc.	Glasco	59.25	0.79
Westview Manor, Inc.	Derby	83.95	0.93	Medicalodge of Goddard	Goddard	95.36	0.97
Cedar Grove Health Care	Desoto	72.96	0.62	Bethesda Home	Goessel	98.61	0.94
Grouse Valley Manor	Dexter	71.50	0.81	Sherman Co. Good Samaritan Center	Goodland	83.65	0.88
Lane County Hospital - LTCU	Dighton	92.09	0.81	Central Kansas Medical Center	Great Bend	96.90	0.93
				Cherry Village Benevolence, Inc.	Great Bend	86.94	0.91
				Integrated Health Services	Great Bend	82.31	0.94

Washington Cnty Hosp. Dist. #1	Hanover	80.65	0.85	Kingman Manor	Kingman	85.93	1.16
Friendship Manor Rehab Center	Haviland	57.29	0.54	The Wheatlands Health Care Center	Kingman	72.86	0.91
Hays Good Samaritan Center	Hays	89.63	1.03	Medicalodge of Kinsley	Kinsley	80.76	0.91
Hays Medical Center	Hays	151.46	2.31	Kiowa Hospital District	Kiowa	77.99	0.95
St. John's of Hays	Hays	83.35	1.00	Manor	Kiowa	77.99	0.95
Prestige Rehab & Nursing Center	Haysville	101.50	1.02	Rush Co. Healthcare Center	La Crosse	87.02	0.81
Herington Municipal Hospital	Herington	112.71	1.43	Rush County Nursing Home	Lacrosse	82.45	0.93
Lutheran Home, Inc.	Herington	67.90	0.80	High Plains Retirement Village	Lakin	100.32	1.02
Schowalter Villa	Hesston	99.56	0.88	Colonial Manor - Lansing	Lansing	87.28	0.93
Maple Heights of Hiawatha	Hiawatha	73.88	0.84	Larned Healthcare & Living Center	Larned	83.83	0.78
Oak Ridge Acres	Hiawatha	61.47	0.87	Brandon Woods, Inc.	Lawrence	97.09	0.98
Highland Care Center	Highland	75.06	1.42	Colonial Manor-Lawrence	Lawrence	87.30	1.26
Dawson Place, Inc.	Hill City	69.49	0.87	Lawrence Presbyterian Manor	Lawrence	109.97	1.14
Hillsboro Community Medical Center	Hillsboro	91.44	0.84	Southwinds Rehabilitation & Care	Lawrence	85.65	1.02
Parkside Homes, Inc.	Hillsboro	80.63	0.95	Leavenworth County Convalescent Infi	Leavenworth	91.31	0.94
Hoisington Rehabilitation Center	Hoisington	69.27	0.81	Medicalodge of Leavenworth	Leavenworth	92.68	0.97
Holton Manor	Holton	63.24	0.80	Delmar Gardens of Lenexa, Inc.	Lenexa	87.27	0.99
Jackson Co. Nursing Home, Inc.	Holton	69.81	0.86	Leonardville Home	Leonardville	65.78	0.89
Tri-County Manor Living Center	Horton	59.83	0.91	Wichita County Health Center	Leoti	98.53	0.85
Howard Twilight Manor	Howard	75.52	0.91	Liberal Good Samaritan Center	Liberal	83.42	0.88
Sheridan County Hospital	Hoxie	83.16	0.97	Lincoln County Hospital LTCU	Lincoln	97.85	0.84
Pioneer Manor	Hugoton	92.31	0.83	Mid-America Health Care	Lincoln	70.79	0.89
Pinecrest Nursing Home	Humboldt	73.08	0.89	Bethany Home Association	Lindsborg	88.13	0.79
Golden Plains	Hutchinson	85.24	1.09	Linn Community Nursing Home	Linn	62.56	0.84
Hutchinson Good Samaritan Center	Hutchinson	88.83	1.23	Sandstone Heights	Little River	80.59	0.84
Oakwood Rehabilitation	Hutchinson	78.47	0.95	Logan Manor Community Health Services	Logan	64.22	0.83
Ray E. Dillon Living Center	Hutchinson	90.24	0.89	Louisburg Care Center	Louisburg	80.91	1.04
Silver Oaks Health Center	Hutchinson	63.99	0.95	Beverly Health & Rehab of Lucas	Lucas	78.17	1.08
Wesley Towers	Hutchinson	103.24	0.94	Lyons Good Samaritan Center	Lyons	88.46	0.89
Glenwood Estate	Independence	65.06	0.88	Madison Manor, Inc.	Madison	74.32	0.80
Manor Nursing Home	Independence	68.09	0.93	Meadowlark Hills Retirement Community	Manhattan	89.20	1.09
Mercy Hlth System of Kansas	Independence	119.16	1.84	St. Joseph Senior Community, Inc.	Manhattan	79.46	1.07
The Lodge at Independence	Independence	83.96	0.90	Stoneybrook Retirement Community	Manhattan	85.33	1.10
Pleasant View Home	Inman	82.71	0.82	Wharton Manor	Manhattan	90.28	0.92
Countryside Estates	Iola	75.29	1.04	Jewell County Hospital	Mankato	95.18	0.88
Cheyenne Lodge, Inc.	Jamestown	76.54	0.94	Marion Manor	Marion	71.76	1.01
Hodgeman Co Health Center - LTCU	Jetmore	101.06	0.95	St. Luke Living Center	Marion	81.62	0.83
Stanton County Hospital-LTCU	Johnson	100.30	0.88	Riverview Estates, Inc.	Marquette	67.38	0.82
Junction City Good Samaritan Center	Junction City	81.07	1.19	Cambridge Place	Marysville	80.07	0.96
Valley View Professional Care Center	Junction City	68.17	0.80	Community Memorial Hospital LT	Marysville	84.66	0.91
Alzheimer's Center of Kansas City	Kansas City	99.27	0.90	Highland Manor	McPherson	70.53	0.98
Kansas City Presbyterian Manor	Kansas City	97.61	1.11	The Cedars, Inc.	McPherson	92.82	0.96
Medicalodge East of Kansas City	Kansas City	105.51	0.97	Lone Tree Retirement Community	Meade	84.53	0.88
Medicalodge Post Acute Care Center	Kansas City	103.46	1.11	Cedar Crest Manor	Medicine Lodge	76.97	0.98
The Manor of Kansas City	Kansas City	80.85	0.97				
Prairie Haven Nursing Center	Kensington	62.05	0.98				

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Trinity Lutheran Manor	Merriam	103.82	1.04	Medicalodge of Paola	Paola	69.61	0.57
Minneapolis Good Samaritan Center	Minneapolis	85.78	1.00	Elmhaven East	Parsons	65.31	0.95
Ottawa County Hospital-LTCU	Minneapolis	69.99	1.00	Elmhaven West	Parsons	63.90	0.87
Minneola Nursing Home	Minneola	92.26	0.86	Parsons Good Samaritan Center	Parsons	76.36	0.84
Elk Manor Home	Moline	71.53	0.84	Parsons Presbyterian Manor	Parsons	89.24	0.89
Bethel Home, Inc.	Montezuma	77.53	0.86	Peabody Community Living Center	Peabody	83.00	0.89
Moran Manor	Moran	73.74	1.07	Westview Manor of Peabody	Peabody	61.06	0.57
Crystal Care Center	Mound City	65.77	1.04	Phillips County Hospital LTCU	Phillipsburg	101.43	0.91
Memorial Home for the Aged	Moundridge	103.72	0.98	Phillips County Retirement Center	Phillipsburg	65.52	0.80
Moundridge Manor, Inc.	Moundridge	69.95	0.76	Beverly Healthcare	Pittsburg	79.28	1.06
Mt. Hope Nursing Center	Mt. Hope	76.51	0.88	Medicalodge North of Pittsburg	Pittsburg	87.42	0.94
Villa Maria, Inc.	Mulvane	97.02	0.92	Medicalodge South of Pittsburg	Pittsburg	82.68	1.07
Beverly Health & Rehab	Neodesha	67.01	0.76	Mt. Carmel Medical Center	Pittsburg	148.60	2.03
Golden Keys Home	Neodesha	53.96	0.83	Rooks County Home	Plainville	83.75	0.81
Ness County Hospital Dist. #2	Ness City	83.36	0.87	Friendship Manor of Pratt	Pratt	68.98	0.96
Bethel Care Centre	Newton	98.77	1.06	Pratt Regional Medical Center	Pratt	90.25	0.92
Friendly Acres, Inc.	Newton	105.90	1.11	Prescott Country View Nursing Home	Prescott	56.91	0.78
Kansas Christian Home	Newton	95.35	0.80	Protection Valley Manor	Protection	64.98	0.69
Newton Presbyterian Manor	Newton	97.08	1.11	Gove County Medical Center	Quinter	91.55	0.93
Manorcare Health Services	North Wichita	89.08	0.99	Grisell Memorial Hosp Dist. #1 -	Ransom	92.86	0.93
Andbe Home, Inc.	Norton	81.00	0.83	Oak Haven Nursing Center	Richmond	76.38	0.92
Village Villa	Nortonville	66.83	1.05	Heritage Village of Rose Hill	Rose Hill	74.27	0.88
Norwich Care Center, Inc.	Norwich	77.58	0.94	Rossville Valley Manor	Rossville	80.74	0.90
Oakley Manor	Oakley	61.86	1.01	Gatewood Care Center	Russell	61.35	0.64
Decatur Co. Good Samaritan Center	Oberlin	77.20	0.78	Wheatland Nursing & Rehab Center	Russell	75.62	0.87
Decatur County Hospital	Oberlin	83.64	0.91	Apostolic Christian Home	Sabetha	71.88	0.86
Great Plains Rehab and Nursing Center	Olathe	96.92	1.07	Sabetha Manor	Sabetha	76.09	1.03
Johnson County Nursing Center	Olathe	103.70	0.94	College Park Village	Salina	72.96	0.97
Olathe Good Samaritan Center	Olathe	96.46	0.94	Holiday Resort of Salina	Salina	97.48	0.95
Royal Terrace Nrsng. & Rehab. Center	Olathe	92.58	1.12	Kenwood View Nursing Center	Salina	75.23	0.87
Villa St. Francis	Olathe	114.57	1.16	Salina Presbyterian Manor	Salina	94.92	0.88
Golden Acres	Onaga	67.76	1.06	Shalimar Health Center	Salina	64.35	0.94
Osage Nursing & Rehab Center	Osage City	77.57	1.25	Smokey Hill Rehabilitation Center	Salina	83.81	0.95
Peterson Nursing Home	Osage City	67.04	0.94	Windsor Estates	Salina	84.21	0.93
Heritage Manor of Osawatomie	Osawatomie	95.49	0.91	Satanta Dist. Hosp. LTCU	Satanta	93.89	0.78
Parkview Care Center	Osborne	75.66	0.92	Park Lane Nursing Home	Scott City	84.82	0.84
Hickory Pointe Care & Rehab Center	Oskaloosa	77.20	1.01	Pleasant Valley Manor	Sedan	70.12	1.14
Potomac Healthcare at Oswego Manor	Oswego	58.21	1.08	Sedgwick Healthcare Center	Sedgwick	100.70	0.94
Village Manor	Ottawa	73.44	1.05	Country View Estates Care Home	Seneca	63.31	0.93
Brookside Manor	Overbrook	84.60	1.07	Crestview Manor	Seneca	51.59	0.85
Delmar Gardens of Overland Park	Overland Park	95.89	1.15	Prairie Manor Good Samaritan	Sharon Springs	82.40	0.78
Indian Creek Nursing Center	Overland Park	98.88	1.15	Sharonlahe Nursing Home	Shawnee	93.52	1.07
Life Care Center of Overland Park	Overland Park	93.92	0.92	Shawnee Gardens Nursing Center	Shawnee	98.07	0.93
Manorcare Health Services	Overland Park	98.88	1.15	Potomac Healthcare	Smith Center	81.85	0.94
Overland Park Manor	Overland Park	99.06	1.00	Smith County Memorial Hosp-LTCU	Smith Center	83.50	0.90
Specialty Hospital of Overland Park	Overland Park	99.38	0.89				
Villa Saint Joseph	Overland Park	101.95	1.02				
Riverview Manor, Inc.	Oxford	72.29	0.95				
Country Haven Nursing Center	Paola	87.58	1.24				

South Haven Guest Home, Inc.	South Haven	64.88	0.87	The Centennial Homestead, Inc.	Washington	61.56	0.84
Mennonite Friendship Manor, Inc.	South Hutchinson	98.25	-0.98	Colonial Manor - Wathena	Wathena	79.72	0.96
Beverly Hlth & Rehab Center	Spring Hill	88.34	1.02	Sunset Manor	Waverly	83.36	0.85
Good Samaritan Village	St. Francis	83.16	0.94	Beverly Health & Rehab	Wellington	63.85	1.03
Hearthstone Nursing Center #192	St. John	70.46	0.99	Cedar View Good Samaritan Center	Wellington	82.45	0.92
Community Hospital Onaga, Inc.,	St. Mary's	92.21	0.96	Wellsville Manor Care Center	Wellsville	78.26	0.93
Prairie Mission Retirement Villa	St. Paul	83.42	0.92	Westy Community Care Home	Westmoreland	70.81	0.91
Leisure Homestead Association	Stafford	61.51	0.85	Wheat State Manor	Whitewater	86.41	0.95
Sterling Presbyterian Manor	Sterling	79.23	0.93	Catholic Care Center Inc.	Wichita	91.18	0.99
Solomon Valley Manor	Stockton	79.67	0.84	Cherry Creek Nursing Center	Wichita	99.64	1.05
Hamilton Co. Hospital LTCU	Syracuse	97.53	0.84	Christ Villa Nursing Home	Wichita	84.58	0.94
Tonganoxie Nursing Center	Tonganoxie	82.72	1.07	Homestead Health Center, Inc.	Wichita	87.83	0.89
Aldersgate Village	Topeka	101.13	0.90	IHS of Wichita	Wichita	89.93	0.91
Brighton Place North	Topeka	60.84	0.54	Kansas Masonic Home	Wichita	112.44	1.12
Countryside Health Center	Topeka	62.34	0.60	Lakewood Heights Nursing Center	Wichita	77.29	1.21
Eventide Convalescent Center, Inc.	Topeka	69.31	0.78	Life Care Center of Wichita	Wichita	105.38	1.09
Fairlawn Heights Nursing Center	Topeka	80.31	1.00	Lincoln East	Wichita	87.65	1.11
IHS at Highland Park	Topeka	83.45	0.96	Medicalodge of Wichita	Wichita	107.59	1.21
IHS of Brighton Place	Topeka	65.13	0.57	Parkway Health Care Center	Wichita	81.20	0.78
Indian Trails Manor	Topeka	58.87	0.59	Sandpiper Bay Health & Retirement	Wichita	101.70	1.01
Manorcare Health Services of Topeka	Topeka	88.08	1.03	Terrace Gardens Nursing Center	Wichita	91.42	1.01
McCrite Plaza Health Center	Topeka	89.67	1.13	The Healthcare Center - Larksfie	Wichita	100.99	0.89
Plaza West Care Center, Inc.	Topeka	91.24	1.11	Wichita Healthcare & Rehab Center	Wichita	104.94	1.04
Rolling Hills Health Center	Topeka	92.39	1.03	Wichita Presbyterian Manor	Wichita	104.98	1.02
Southgate Village Life Care Center	Topeka	80.60	1.03	Woodlawn Nursing Home	Wichita	83.93	1.00
The United Methodist Homes	Topeka	98.43	0.90	Wilson Nursing Home	Wilson	78.96	0.91
Topeka Convalescent Center	Topeka	76.36	1.01	Jefferson County Memorial Hosp.	Winchester	88.91	0.83
Topeka Healthcare Center	Topeka	90.17	1.35	Cumbernauld Village, Inc.	Winfield	91.02	0.87
Topeka Presbyterian Manor Inc.	Topeka	101.68	0.97	Good Samaritan Village-Winfield	Winfield	94.24	0.96
Westwood Manor	Topeka	64.88	0.93	Walnut Hill Nursing Center, Inc.	Winfield	75.24	0.84
Woodland Health Center	Topeka	69.05	0.80	Twin Oaks Health Care	Yates Center	74.47	0.93
Brewster Place	Topkea	96.11	0.86				
Greeley County Hospital, LTCU	Tribune	96.87	0.82				
Western Prairie Care Home	Ulysses	98.00	0.87				
Valley Health Care Center	Valley Falls	61.03	0.66				
St. John's Rest Home of Victoria	Victoria	80.46	0.88				
The Lutheran Home - WaKeeney	WaKeeney	66.94	0.91				
Trego Co. Lemke Memorial LTCU	WaKeeney	95.30	0.83				
Wakefield Rehabilitation Center	Wakefield	68.13	0.90				
Valley Vista Good Samaritan Center	Wamego	82.62	0.97				

III. Justifications for the Final Rates.

1. The final rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan, which has been used, in essentially the same form, to set nursing facility rates for more than six years.

2. The final rates are calculated according to a methodology that satisfies the requirements of K.S.A. 39-708c(x) and the Department of Social and Rehabilitation Services' regulations in K.A.R. Chapter 30, Article 10 implementing that statute.

3. The state's studies project that the final rates:

a. would result in payment, in the aggregate, of 96.50% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and

b. would result in a maximum allowable rate of \$108.39; the total average allowable cost is \$95.07 for an average case mix index of one.

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c. Estimated average rate July 1, 1999	\$83.12
Average payment rate July 1, 1998	\$77.25
Amount of change	\$5.87
Percent of change	7.60%

4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase by approximately \$18,500,000.

5. The state estimates that the final rates would continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population. The state's studies indicate:

a. service providers operating a total of 326 nursing facilities (representing 98% of all the free standing licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 46 hospital-based long-term care units also are certified to participate in the Medicaid program;

b. there is at least one Medicaid-certified nursing facility and/or facility for mental health, or Medicaid-certified hospital-based long-term care unit in each of the 105 counties in Kansas;

c. the statewide average occupancy rate for nursing facilities participating in Medicaid is 86.4%;

d. the statewide average Medicaid occupancy rate for participating facilities is 54.2%, which is a decrease from the prior year; and

e. the final rates would cover 98.64% of the estimated Medicaid health care costs incurred by participating nursing facilities statewide.

6. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the final methodology would result in compliance with the federal regulation.

IV. The State's Response to Written Comments on the Published Proposals. The state received no comments in response to the Notice of Proposed Nursing Facility Medicaid Rates for State Fiscal Year 2000, Methodology for Calculating Proposed Rates, and Rate Justifications; Notice of Intent to Amend the Medicaid State Plan; Request for Comments; and Notice of Intent to Publish Final Rates published in the April 29, 1999 Kansas Register.

V. Notice of Intent to Amend the Medicaid State Plan. The state intends to submit proposed Medicaid State Plan amendments to HCFA on or before September 30, 1999. Those Medicaid State Plan provisions set out in the April 29, 1999 Kansas Register appear in the versions that the state currently intends to submit to HCFA as proposed Medicaid State Plan amendments (except that Exhibit C-1 has previously been submitted and approved and Subparts F and S have been submitted and approval is pending) on or before September 30, 1999.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services
Thelma Hunter Gordon
Secretary of Aging

Doc. No. 023970

State of Kansas

Kansas Insurance Department

Notice of Changes in Pharmacy Networks

Pursuant to K.S.A. 40-2-153, the Kansas Commissioner of Insurance is publishing notice that a change has occurred in the following pharmacy networks in the State of Kansas.

Aetna U.S. Healthcare Pharmacy Network has notified the Insurance Department of the following addition to its pharmacy network:

Pharmacy Name	City	Effective Date
Walgreens #04981	Topeka	5/14/99

Prudential HealthCare—Kansas City also has notified the department of the following additions to its pharmacy network:

Pharmacy Name	City	Effective Date
Oak Valley Price Chopper	Shawnee	5/3/99
Dandurand Drug Company, Inc.	Wichita	3/12/99
Qualicare	Lawrence	3/12/99

Questions should be directed to Rebecca Sanders at the Kansas Insurance Department, (785) 296-3071.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 023976

State of Kansas

Department of Social and Rehabilitation Services

Department on Aging

Notice of Proposed Nursing Facility Medicaid Rates for State Fiscal Year 2000 for the Nursing Facility Quality Enhancement Wage Pass-Through Program, Methodology for Calculating Proposed Rates, and Rate Justifications; Notice of Intent to Amend the Medicaid State Plan and Request for Comments

Under the Medicaid program, 42 U.S.C. 1396 *et seq.*, the State of Kansas pays nursing facilities and nursing facilities for mental health a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging administers the Medicaid nursing facility services payment program on behalf of the Secretary of Social and Rehabilitation Services. As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of Social and Rehabilitation Services (SRS) and the Secretary of Aging (KDOA) are publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for state fiscal year 2000, the methodology underlying the establishment of the proposed nursing facility rates, and the justifications for those proposed rates for the Nursing Facility Quality Enhancement Wage Pass-Through Program. SRS and KDOA also are providing notice of the state's intent to submit the proposed amendment to the Medicaid State Plan to the U.S. Department of Health and Human Services' Health Care Financing Administration (HCFA) on or before September 30, 1999.

I. Methodology Used to Calculate Medicaid Per Diem Rates for Nursing Facility Quality Enhancement Wage Pass-Through Program.

The Kansas Legislature, during the 1999 session, adopted Senate Bill 126, an act to establish the quality enhancement wage pass-through program for nursing facilities. Nursing facilities electing to participate in this program can increase salaries or benefits or both for those employees providing direct care and support services to nursing facility residents. This bill includes the following proviso: "All expenditures for the quality enhancement wage pass-through program shall be made only from moneys specifically appropriated therefor." The Governor signed the bill into law.

House Bill 2489 included the appropriations for SB 126 for state fiscal year 2000 (July 1, 1999 through June 30, 2000). The Kansas Department of Social and Rehabilitation Services was appropriated state general funds of \$224,402 to fund the nursing facilities-mental health (NF-MH) and intermediate care facilities-mentally retarded (ICF-MR). The Kansas Department on Aging was appropriated state general funds of \$1,725,000 to fund the nursing facilities (NF).

The secretaries of SRS and KDOA shall establish a Medicaid State Plan provision for the quality enhancement wage pass-through program. The pass-through shall not exceed \$4 per resident day. Participation in the program is voluntary but limited to the available funds. Copies of SB 126 and the relevant parts of HB 2489 will be included in the Medicaid State Plan exhibit.

Criteria for Prioritizing Applications:

The providers will submit a complete application to SRS for the NF-MH and ICF-MR and to KDOA for the NF on a form prescribed by the secretary of each agency. The applications will be placed in a primary group if they are received by the due date below. The secondary group of applications are those received after the first due date and will be time and date-stamped based on receipt. The following is how each group of applications will be treated:

Primary Group of Applications

The primary group of applications are those received following the mailing of application to the providers on July 30, 1999, and by the deadline of Friday, August 13, 1999, at 5 p.m. There will be three steps for approving funding to the primary group of applicants. The steps are based on the availability of funds.

The first step is to open the applications received through the close of business on August 13, 1999. If the total dollar amount of all requests is below the available funding, all providers will receive 100% of the requested funding. The total dollar amount of the requests will be determined by multiplying the Medicaid days by the per diem amount requested for the wage enhancement pass-through for each facility and then summing the total requests from all facilities.

The second step of the process is used when the total requested funding from all the applications is greater than 100% but does not exceed 133⅓% of the available funds. All providers in the primary group will be funded

but at a prorated reduction so that the estimated fiscal impact of the program does not exceed the available funding. The reduction will be proportional to the amount of funding requested over the available moneys.

For example, if the total fiscal impact of funding all applications were 133⅓% of the available funding, each request would be reduced by 25%. If a provider requested \$4 per day, they would receive \$3 per day. If a provider requested \$2 per day, they would receive \$1.50.

Another example will be presented. If the total fiscal impact of funding all applications were 120% of the available funding, each request would be reduced by 16.7%. The provider that requests \$4 per day would receive \$3.33 per day. The provider that requests \$2 per day would receive \$1.67.

The third step of the process is used when the total requests exceed 133⅓% of the available funding. In this situation, a random selection process will be conducted from all of the applications in the primary group until the available funding is committed. Those drawn will be given 100% of their request.

For example, after opening all of the applications in the primary group, the total fiscal impact of funding all at 100% of their request would exceed the available funding by 150%. The applications would be randomly selected until the total dollar amount of the requests reaches the funding limit.

Secondary Group of Applications

The secondary group of applications are only used if step one of the primary applications is used. In that situation, all the applications in step one are opened and there is still available funds for additional applications. The selection process for the secondary group is based on first-come, first-served. The applications will be time and date sensitive to determine the order of which providers receive funding.

Once the applications from the secondary group reach the available funding, the process stops. Applications received after the last application is selected that expends the available funding will not receive funding. If steps two or three are used with the primary group of applicants, none of the secondary group will receive funding.

Proposed Timeline for Implementing the Wage Pass-Through:

The following is the proposed timeline:

Thursday, June 24, 1999: Notice is published in Kansas Register and public comment period begins.

Monday, July 26, 1999: End of the comment period for the proposed methodology, rate and justifications.

Thursday, July 29, 1999: Notice of final methodology, rate and justification is submitted to Secretary of State for publication in the Kansas Register.

Friday, July 30, 1999: Application packets and State Plan provision are mailed out to all nursing facilities.

Thursday, August 5, 1999: Notice of final methodology, rate and justification is published in Kansas Register.

Friday, August 13, 1999: Initial applications for primary group must be received by deadline of 5 p.m.

(continued)

Friday, August 20, 1999: After reviewing applications, KDOA sends out rate notifications to providers.

Wednesday, September 1, 1999: Wage pass-through rates take effect (provided a facility has adjusted its private pay rate if necessary).

Application:

The following information will be requested on the application form:

- * Facility name, address, telephone number and provider number
- * Date and number of Medicaid residents on that date
- * Amount of per diem funding requested for the pass-through (not to exceed \$4 per resident day).
- * Current Medicaid rate and private pay rate
- * Enhanced Medicaid rate and private pay rate on 9/1/99
- * Authorized signature and date.

The application will explain the allowable and nonallowable uses of the wage pass-through per diem. It will list the employee positions that are eligible for the pass-through. There will be a notice that this program is funded for FY 2000 only and there may not be funding in FY 2001. The requirement of the quarterly reporting and consequences of not reporting will be explained.

Reporting and Documentation:

Providers shall be required to submit cost information within 45 days of the end of each quarter to document the use of the wage pass-through moneys. A nursing facility participating in the quality enhancement wage pass-through program which fails to file the Quality Enhancement Wage Pass-Through Quarterly Audit Report(s) and supporting documentation shall be terminated from the quality enhancement wage pass-through program and must repay all amounts from the pass-through program received during the reporting period.

Uniform quarterly audit reports and instructions will be sent to the providers in hard copy form and on diskette. The diskette will have LOTUS and Excel versions of the reports and related instructions. The forms and instructions are part of the Medicaid State Plan exhibit.

The supporting documentation that is required with the uniform quarterly audit reports shall include the provider payroll registers that reflect the positions impacted by the quality enhancement wage pass-through program, the State Unemployment Tax (SUTA) report and the Quality Enhancement Wage Pass-Through Quarterly Employee Turnover Report. The employee turnover report will be sent to providers in hard copy and on the diskette. The diskette will include both the LOTUS and Excel versions of the turnover report.

Reports are required on a calendar quarter basis. The first reporting will be for the month of September and will be due 45 days after September 30, 1999. Subsequent reporting will be due 45 days after the quarters ending December 31, 1999, March 31, 2000, and June 30, 2000.

Allowable Reimbursement:

The following are the eligible position classifications for the quality enhancement wage pass-through per diem:

- * Nurse aides

- * Medication aides
- * Restorative-rehabilitation aides
- * Licensed mental health technicians
- * Plant operating and maintenance personnel
- * Non-supervisory dietary personnel
- * Laundry personnel
- * Housekeeping personnel
- * Non-supervisory activity staff

The following are the eligible uses for the quality enhancement wage pass-through per diem for the above position classifications:

- * Increase salaries
- * Increase benefits
- * Hire new staff

The bill specifically states: "No wage pass-through moneys shall be expended to increase management compensation or facility profits."

The documented quarterly cost for the wage pass-through program shall be divided by total resident days for all payer sources during the reporting period to determine the per diem cost for each resident. The Medicaid portion of the reimbursement of the total costs will be for the Medicaid resident days.

For example, a facility's total cost of the wage pass-through program for the quarter is \$30,000. There are 7,500 resident days during the quarter. Of the resident days, 50% (3,750 days) are Medicaid and 50% (3,750 days) are private pay.

The total documented cost for the quarter would be \$4 per day (\$30,000 divided by 7,500 days). The Medicaid portion of the cost would be \$15,000 (\$4 per day times 3,750 days). The private pay portion of the cost would be \$15,000, using the same calculation.

Using the same example but with a resident mix of 40% Medicaid (3,000 days) and 60% private pay (4,500 days), the following cost sharing would take place. The Medicaid portion of the cost would be \$12,000 (\$4 per day times 3,000 days). The private pay portion of the cost would be \$18,000 (\$4 per day times 4,500 days).

The quality enhancement wage pass-through per diem will be added to the calculated Medicaid rate that is in effect from September 1, 1999 through June 30, 2000. The per diem wage pass-through will reimburse facilities while the enhanced costs are being incurred. The pass-through is not subject to cost center limits or the 85% minimum occupancy rule. When the actual cost for the wage enhancement is reported on a quarterly basis, it will be divided by the actual resident days to determine the allowable per diem cost. The costs incurred using the pass-through will be included in the Medicaid cost report base.

Providers will be held to the lower of the calculated Medicaid rate or the private pay rate in the agency register. For example, on September 1, 1999, a provider has a calculated Medicaid rate of \$80 and a private pay rate in the register of \$82. The provider requests a wage pass-through per diem of \$4. The Medicaid rate the provider will receive is \$82 until they raise the private pay rate to equal or exceed the enhanced Medicaid rate, with the full pass-through request of \$84.

Providers who increase wages, benefits and/or hire new staff on July 1, 1999, but before September 1, 1999, in anticipation of being a successful applicant for the quality enhancement wage pass-through shall be able to use those increases to document the use of the wage enhancement when the rates are effective on September 1, 1999. However, there will not be a retroactive rate increase for those days prior to September 1, 1999, that the wage increases impact. Providers assume the risk of increasing wages, benefits and/or hiring new staff before they know the outcome of the application selection process.

For example, a provider raises wages \$1 per hour in the eligible position classifications on July 1, 1999, in anticipation that they will receive a Medicaid wage pass-through of \$4 per day, effective September 1, 1999. If the provider is a successful applicant, they can use the \$1 per hour wage increase to document the increased costs beginning on September 1 even though it was first incurred on July 1. However, there will be no retroactive rate adjustment for the resident days in July and August 1999, prior to the effective date of the wage pass-through provision. If the provider is not a successful applicant, the quality enhancement wage pass-through program will not reimburse the wage increase.

Auditing/Settlements:

The quarterly reports shall be audited by SRS and KDOA staff to ensure the wage pass-through moneys were used to increase salaries, benefits and/or to hire new staff in the eligible personnel classifications. Expenditures reported for other uses or money used to increase facility profits are not allowable and will be recouped on the final accounting. The final accounting will take place after the report for the quarter ended June 30, 2000, is submitted and reviewed by the agency staff.

Providers will not have the wage pass-through per diem lowered or funds recouped following the review of the quarterly audit reports. The reports will be reviewed for accuracy and records will be kept to identify moneys that were not spent in the quarter for which the audit report covered. The final settlement will come after the last quarterly audit report is received for the quarter ended June 30, 2000. If a provider did not use all of the Medicaid moneys received for the wage pass-through enhancements, the moneys not used for the enhancements will be recouped.

Voluntary Provider Termination/Change of Provider:

Providers may voluntarily withdraw from the quality wage enhancement pass-through program by notifying SRS for a NF-MH and KDOA for a NF. If a provider terminates, they shall be required to submit an audit report for the last quarter in which they participate. The report may be for a partial quarter. The agency shall recoup funds that were received, but not documented as being used for the intended purpose, from the provider for that period in which they participated.

If a facility receiving the wage pass-through has a change of provider, the new provider shall be responsible for notifying the agency that they want to be terminated from the program. Otherwise, the new provider shall be

required to submit the quarterly audit reports to document the use of the funds for the intended purpose and shall be responsible for the final settlement. If the new provider decides to terminate participation, the old provider shall be responsible for any overpayment unless the 60-day notice of change of provider was not given. If the 60-day notice is not given, the new provider assumes the responsibility of any overpayment to the old provider.

II. Proposed Medicaid Per Diem Rates for Kansas Nursing Facilities.

The quality enhancement wage pass-through per-diem shall not exceed \$4 per Medicaid resident day. Providers may request less than \$4 per day or choose not to participate in the program. The per-diem increase for the applications approved will be added to the computed Medicaid rate in effect for the nursing facility but shall not exceed the comparable private pay rate.

III. Justifications for the Proposed Rates.

1. The proposed rates are calculated according to methodology that satisfies the requirements of Senate Bill 126 and House Bill 2489.

2. Staff with the Kansas Departments on Aging and Social and Rehabilitation Services met with representatives from the Kansas Association of Homes and Services for the Aging and the Kansas Health Care Association to determine the most equitable method of distributing the available funding for the quality enhancement wage pass-through program. The proposed methodology represents a consensus of the attendees at the meetings.

3. a. Estimated impact of the rate change due to the implementation of the quality wage enhancement program:

Estimated Average Rate September 1, 1999	\$84.12
Estimated Average Rate July 1, 1999	\$83.12
Amount of Change	\$ 1.00
Percent of Change	1.20%

b. The above estimated average rates are in the aggregate. Not all nursing facilities will receive a rate change and some may receive up to \$4 per day.

4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase by approximately \$4,500,000.

5. The state estimates that the proposed rates would continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population. The state's studies indicate:

a. Service providers operating a total of 326 nursing facilities (representing 98% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 46 hospital-based long-term care units are also certified to participate in the Medicaid program;

b. There is at least one Medicaid-certified nursing facility or Medicaid-certified hospital-based long-term care unit in each of the 105 counties in Kansas;

c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 86.4%;

(continued)

d. The statewide average Medicaid occupancy rate for participating facilities is 54.2%, which is a decrease from the prior year; and

e. The proposed rates would enhance the coverage that is already at 98.67% of the estimated Medicaid health care costs incurred by participating nursing facilities statewide.

6. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the proposed methodology would result in compliance with the federal regulation.

IV. Request for Comments; Request for Copies.

The state requests providers, beneficiaries and their representatives, and other concerned Kansas residents to review and comment on the proposed rates, the methodology used to calculate the proposed rates, and the justifications for the proposed rates. Persons and organizations wishing to submit comments must mail, deliver or fax their signed, written comments before the close of business Monday, July 26, to:

Kansas Secretary of Aging
New England Building, 2nd Floor
503 S. Kansas Ave.

Topeka, 66603-3404
Fax (785) 296-0256

Persons and organizations wishing to submit comments on the proposed amendments to the Medicaid State Plan must mail, deliver or fax their signed, written comments before the close of business on July 26 to the same address set out above.

V. Notice of Intent to Publish Final Rates.

The state intends to publish final Medicaid nursing facility quality enhancement wage pass-through program methodology used to calculate the final rates and the justifications for those final rates in the August 5, 1999 Kansas Register.

VI. Notice of Intent to Amend the Medicaid State Plan.

The state intends to submit proposed Medicaid State Plan amendments to HCFA on or before September 30, 1999.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services
Thelma Hunter Gordon
Secretary of Aging

Doc. No. 023971

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the index to the 1997 Volumes of the Kansas Administrative Regulations and the 1998 Supplement to the Kansas Administrative Regulations.

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AGENCY 4: DEPARTMENT OF AGRICULTURE

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AGENCY 25: DEPARTMENT OF AGRICULTURE (KANSAS STATE GRAIN INSPECTION)

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AGENCY 27: STATE CORPORATION COMMISSION (KANSAS ENERGY OFFICE)

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28-19-202	Amended	V. 17, p. 122
28-19-517	Amended	V. 17, p. 144
28-19-546	Amended	V. 17, p. 144
28-19-561	Amended	V. 17, p. 144
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30-4-111	Amended	V. 17, p. 1837
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40-4-36	Amended	V. 17, p. 689
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AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

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AGENCY 68: BOARD OF PHARMACY

Table with 3 columns: Reg. No., Action, Register. Rows include 68-1-1b, 68-2-20, 68-2-22, 68-7-12, 68-11-1, 68-20-10a, 68-20-15a, 68-20-16, 68-20-17, 68-20-19.

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AGENCY 71: KANSAS DENTAL BOARD

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82-3-900 through

Table with 3 columns: Reg. No., Action, Register. Rows include 82-3-908, 82-4-1, 82-4-3, 82-4-6d, 82-4-20, 82-4-21, 82-4-22, 82-4-23, 82-4-24a, 82-4-26, 82-4-27, 82-4-27a, 82-4-27c, 82-4-27e, 82-4-27f, 82-4-27g, 82-4-28, 82-24-28a, 82-4-28b, 82-4-29a, 82-4-30a, 82-4-30b, 82-4-31, 82-4-32, 82-4-33, 82-4-35a, 82-4-37, 82-4-42, 82-4-46, 82-4-48, 82-4-48a, 82-4-49c, 82-4-53, 82-4-54, 82-4-55, 82-4-56a, 82-4-57, 82-4-58a, 82-4-58b, 82-4-58c, 82-4-58d, 82-4-59, 82-4-62, 82-4-63, 82-4-64, 82-4-65, 82-4-67, 82-4-68, 82-4-69, 82-4-85, 82-11-3, 82-11-4, 82-11-9, 82-11-10, 82-11-11, 82-12-2.

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AGENCY 91: DEPARTMENT OF EDUCATION

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Table with 3 columns: Reg. No., Action, Register. Rows include V. 18, p. 276, 277; V. 17, p. 1887; V. 17, p. 1888; V. 17, p. 1888; V. 17, p. 1889; V. 17, p. 1889; V. 17, p. 1890; V. 17, p. 1890; V. 17, p. 1890; V. 17, p. 1891; V. 17, p. 1891; V. 17, p. 1892; V. 17, p. 1892; V. 17, p. 1893; V. 17, p. 1893; V. 17, p. 1894; V. 17, p. 1894; V. 17, p. 1894; V. 17, p. 1894; V. 17, p. 1895; V. 17, p. 1895; V. 17, p. 1895; V. 17, p. 1895; V. 17, p. 1895; V. 17, p. 1896; V. 17, p. 1896; V. 17, p. 1896; V. 17, p. 1897; V. 17, p. 1897; V. 17, p. 1897; V. 17, p. 1897; V. 17, p. 1898; V. 17, p. 1898; V. 17, p. 1898; V. 17, p. 1898; V. 17, p. 1899; V. 17, p. 1899; V. 17, p. 1899; V. 17, p. 1899; V. 17, p. 1899; V. 17, p. 1900; V. 17, p. 1900; V. 18, p. 234; V. 18, p. 234; V. 18, p. 238; V. 18, p. 239; V. 18, p. 239; V. 18, p. 239.

AGENCY 92: DEPARTMENT OF REVENUE

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AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

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AGENCY 100: BOARD OF HEALING ARTS

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AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 17, p. 1799
102-1-8	Amended	V. 17, p. 1800
102-1-12	Amended	V. 17, p. 1800
102-3-7	Revoked	V. 17, p. 426
102-3-7a	New	V. 17, p. 426
102-4-7a	New	V. 17, p. 318
102-5-7	Revoked	V. 17, p. 427
102-5-7a	New	V. 17, p. 427

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-2	New	V. 17, p. 462

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery can be found in the Vol. 17, No. 53, December 31, 1998 issue of the Kansas Register. The Kansas Lottery regulations listed below were published after December 31, 1998.

Reg. No.	Action	Register
111-1-5	Amended	V. 18, p. 451
111-2-43 through 111-2-67	Revoked	V. 18, p. 330
111-2-71	Revoked	V. 18, p. 330, 331
111-2-74	Revoked	V. 18, p. 331
111-2-75	Revoked	V. 18, p. 331
111-2-76	Revoked	V. 18, p. 331
111-2-80	New	V. 18, p. 54
111-2-81	New	V. 18, p. 14
111-2-82	New	V. 18, p. 55
111-2-83	New	V. 18, p. 55
111-2-84	Amended	V. 18, p. 773
111-2-85	New	V. 18, p. 125
111-2-86	New	V. 18, p. 125
111-2-87	New	V. 18, p. 331
111-2-88 through 111-2-93	New	V. 18, p. 451-453
111-3-14	Amended	V. 18, p. 331
111-3-21	Amended	V. 18, p. 332

111-3-22	Amended	V. 18, p. 332
111-4-1364 through 111-4-1380	New	V. 18, p. 14-19
111-4-1381 through 111-4-1396	New	V. 18, p. 55-59
111-4-1397 through 111-4-1412	New	V. 18, p. 125-129
111-4-1413 through 111-4-1430	New	V. 18, p. 332-336
111-4-1423	Amended	V. 18, p. 453
111-4-1431 through 111-4-1443	New	V. 18, p. 454-457
111-4-1444 through 111-4-1468	New	V. 18, p. 773-779
111-5-24	Amended	V. 18, p. 130
111-5-28	Amended	V. 18, p. 130
111-5-31	Amended	V. 18, p. 457
111-5-75	New	V. 18, p. 59
111-5-76	New	V. 18, p. 457
111-7-134	Amended	V. 18, p. 336
111-9-97 through 111-9-102	New	V. 18, p. 337

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 17, p. 511
112-4-22	Amended	V. 17, p. 512
112-4-22a	New	V. 17, p. 512
112-4-23	Amended	V. 17, p. 590
112-7-7	Amended	V. 17, p. 512
112-10-8	Amended	V. 17, p. 1968
112-12-9	Amended	V. 17, p. 213
112-16-11	Amended	V. 17, p. 590
112-18-21	Amended	V. 17, p. 60

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-3	Amended	V. 17, p. 462
115-2-6	New	V. 17, p. 462

115-4-1	Amended	V. 17, p. 463
115-4-7	Amended	V. 17, p. 464
115-11-2	Amended	V. 18, p. 484
115-16-4	Amended	V. 18, p. 780
115-17-1	Amended	V. 17, p. 1707
115-17-2	Amended	V. 17, p. 1707
115-17-4	Amended	V. 17, p. 1708
115-17-5	Amended	V. 17, p. 1708
115-17-6	Amended	V. 17, p. 1708
115-17-14	Amended	V. 17, p. 1709
115-17-21	New	V. 18, p. 781
115-18-12	Amended	V. 17, p. 1086
115-18-13	Amended	V. 17, p. 1414
115-20-2	Amended	V. 17, p. 1709
115-30-10	Amended	V. 18, p. 781
115-35-1	New	V. 17, p. 1710

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
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117-2-2	Amended	V. 18, p. 295
117-3-1	Amended	V. 18, p. 296
117-3-2	Amended	V. 18, p. 296
117-4-1	Amended	V. 18, p. 297
117-4-2	Amended	V. 18, p. 298
117-5-1	Amended	V. 17, p. 465
117-5-2	New	V. 17, p. 465
117-5-3	New	V. 17, p. 465
117-6-3	Amended	V. 17, p. 1706
117-8-1	Amended	V. 17, p. 1167
117-8-2	New	V. 17, p. 1707

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-1-1 through 118-1-4	Amended	V. 17, p. 1547, 1548
118-3-1 through 118-3-16	New	V. 17, p. 1549-1553
118-4-1 through 118-4-4	New	V. 18, p. 672, 673

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